



*Istituto di Studi sui Sistemi Regionali Federali e sulle Autonomie
"Massimo Severo Giannini" Institute for the Study of Regionalism, Federalism and Self-Government*

EDITORIAL

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The results of the referendum of 4 December creates the basis for a different conclusion of the transitional institutional phase of Italian Regionalism, marked by the legislation produced during the crisis.

The referendum stopped a shift towards the centralisation of legislative powers and State control over public financial resources, counterbalanced by the participation in central power through a Senate representing the Regions and Local Governments. So the constitutional structure remains as outlined in 2001.

What remains open-ended, as already occurred in 2001, are the issues about the coordination of functions between State and Regions, and in particular, the coordination of legislative powers. As a result of the lacked implementation of Article 11 of Constitutional Law no 3 of 2001, Constitutional Case Law had established a link based on the principle of fair cooperation on the occasion of the application of the principle of subsidiarity, through the State-Regions conference system.

After the attempt to reform the Senate, the idea of introducing a chamber of the Regions seems to have been set aside; but also the possibility of coordinating the legislative function through the conference system no longer appears to be sustainable.

In this situation, the implementation of the provision of Article 11, with “the participation of representatives of the Regions, Autonomous Provinces and Local Governments in the Parliamen-

tary Committee for regional matters”, remains the best way for giving rise to a coordination of legislative functions, precisely because the cooperation occurs directly on the legislative formulation of the State principles.

In this way it will be possible also to put the concurrent legislative powers in the right perspective. Suffice it to consider that the problems of legislative concurrence did not depend on the excessive differentiation among the Regions but rather on the total absence of the State legislator who, by laying down the fundamental principles, sets a coherent unitary framework.

Separate reflections are to be made on the concurrent matter of “coordinating public finance” that, during the crisis, justified all forms of intervention by the Government. The Constitutional Court justified this exercise of power and, in some cases, even emphasized the weight of the limitations that the coordination of public finance determined in terms of cuts to resources, to the point of not even covering the administrative functions assigned to the Regions. Only recently has the constitutional judge started to review the case law on this subject, with Judgment no. 10 and no. 129 of 2016.

However, it would be a good thing if the exercise of State powers on the coordination of public finance were to be brought back within the constitutional confines laid down in Article 119. Hence, it would be necessary at the same time to think of reviving the possibility of fiscal federalism without which the political autonomy of the Regions remains a claim rather than a fact.

The Italian Regions appear to be the bearing structure of our legal order, which cannot be reduced to the ranks of a large local government. The construction of an efficient regionalism that is capable of enabling our Country to compete at the international and European level still needs to be completed.

In this connection, will we have to reconsider the organization and functioning of the Regions, but above all of the State and of its Administration that is overly intricate and not at all functional. The need for regionalising the State is still a topical need; the State and the Regions can cooperate only if their structures are such that their constitutional prerogatives are respected. Indeed the State is actually one side of the coin of the Republic while the Regions are the other side of the same coin.

REASONS FOR THE REGIONS TODAY



On 27 October 2016, the Institute organized the Conference **Reasons for the Regions Today** (Il perché delle Regioni oggi. La Repubblica tra Stato unitario e Stato regionale), with an agenda focusing on such topical issues as the constant transformation of the Regions in the constitutional context and the role that they are called upon to carry out within the framework of the Republic.

The opportunity for the Conference was offered by the 45th anniversary of the Institute, right from the establishment of the

ordinary Regions. By means of a multidisciplinary approach, the Institute has systematically tracked the experience of the Regions and the territorial dimension of public policies in the context of European integration and global interdependence, also with a view to making a comparative analysis among the various regional and federal systems.

The Conference offered a forum for a reflection on the Renzi-Boschi constitutional reform and, in particular, on the impact that the reform could have had on the regional model. This model has now become progressively consolidated also thanks to the interpretational contribution of the Constitutional Court.

Some of the papers presented dwelled on the concrete functioning of the Regions and on the topical importance of regionalism, offering also a comparison with respect to the approach of the new reform. This was true, for instance, for the most important expression of regional autonomy, the legislative function, but also for the financial autonomy of the Regions. Other issues were also explored: the rationalization of the regional system, the decrease in litigation and the enhancement of the principle of autonomy and decentralization, but also the values of the unity and indivisibility of the Republic, as per Article 5 of the Constitution.

REFORM IN THE SECTOR OF LOCAL GOVERNMENT FINANCE



The Conference **Reform in the Sector of Local Government Finance** (La riforma del credito cooperativo e i riflessi sul territorio) was organized by our Institute and held on 8th November at CNR headquarters, Marconi Hall, as part of the research activities concerning the establishment of an Observatory on the Regional Lending Market.

In particular, the initiative aimed at deepening the issues concerning cooperative savings banks (BCC) and the potential impact of this reform on the territory.

The package of measures envisaged by the reform is part of a comprehensive restructuring plan of the Italian banking system aimed at strengthening it, making it capable of resisting shocks, at putting the banks in a position to adequately provide loans to the real economy and hence encourage growth and employment. The reform of the Savings Banks, approved last year and the self reform of bank foundations, are part of this plan.

The theme of the Conference focuses on the reform of the Savings Banks, on the implementation of the reform and on how it will contribute to overcoming some of the bottlenecks of the sector, with special reference to the structural weaknesses deriving from the organizational structure and small size of these banks and from the assets model that is particularly sensitive to the economic cycles of the territory of reference. This analysis was discussed in great detail and a comparison was made with the German experience.



The journal **Italian Papers on Federalism**, no. 3 of 2016, published:

LAS COMPETENCIAS COMPARTIDAS EN ESPAÑA. UNA PROPUESTA DE RE-CONFIGURACIÓN DE LAS BASES DEL ESTADO (José Antonio Montilla Martos)

LA CRECIENTE CONSISTENCIA DE LOS PARTIDOS POLÍTICOS EN LA UNIÓN EUROPEA (José M^a Porras Ramírez)

CHALLENGES TO CONSTITUTIONAL ADJUDICATION IN SPAIN: THE AUTONOMOUS STATE AND THE FINANCIAL CRISIS (Francisco Balaguer Callejón)

THE CONSTITUTIONAL TRADITIONS COMMON TO THE MEMBER STATES IN EUROPEAN LAW (Stelio Mangiameli)

MIGRATION

On 31 December 2016, CNR-DSU (National Research Council-Department for Social sciences and humanities, cultural heritage) concluded the activities of the **European Migration Network National Contact Point**. ISSIRFA, together with other four Institutes of CNR, was actively engaged in the project (started on 1st April 2014), compiling the answers to the queries made by other NCPs and the European Commission to the Member States, and annual reports on immigration and asylum.

INSTITUTIONAL COLLABORATIONS

ISSIRFA has been selected by the Lazio Region for providing consultancy to regional institutions and the Council of Local Autonomies (a body representing local authorities at the Region).

The Regional Stability Law (Law No 17/2016). Article 3 (137) establishes that the Lazio Region shall promote:

«the signing of agreements with the Institute for the Study of Regionalism,

Federalism and Self-Government "Massimo Severo Giannini" (ISSIRFA-CNR), aimed at rationalising processes of reorganisation of administrative functions and to identify other functions to be assigned to local authorities. Within the framework of these agreements, ISSIRFA-CNR shall assist the Council of Local Autonomies (CAL)».

INTERNATIONAL ACTIVITIES

Paolo Colasante was **Visiting Scholar** at the *Institute for Constitutional Law and Administrative Law* of the **University of Vienna** (Austria) with a CNR-Short term mobility grant (31st October - 21st November) to develop a research on *Parliament and Representation in Austria and in Italy: a comparative study*. On 16th November he also held there a presentation on the Italian Constitutional Reform.



COURSES, LECTURES and PAPERS

- **Are local public services better delivered in more autonomous Regions? Evidence from European regions using a dose-response approach** (Andrea Filippetti and Giovanni Cerulli) has been accepted by *Papers in Regional Science*
- **Riforma Renzi – Boschi e accentramento dei poteri. Il nuovo Titolo V** (Laura Ronchetti), in P. Carnevale (a cura di), *La Costituzione "riscritta". Saggi sulla revisione in itinere*, Roma-TrE-Press, 2016, pp. 157-171
- **Il nuovo Senato tra rappresentanza territoriale degli enti costitutivi della repubblica e rappresentanza degli interessi generali delle rispettive comunità politiche in seno al Parlamento nazionale** (Antonio Ferrara), in AV, *Le Autonomie territoriali nella riforma costituzionale*, Roma, Carocci, 2016, pp. 317-330 (ISBN 978-88-430-8294-0)
- **Le competenze dell'amministrazione statale** (Antonio Ferrara), in B. Caravita, L. Casseti, A. Morrone (a cura di), *Diritto dell'ambiente*, Bologna, Il Mulino, 2016, pp. 99-112 (ISBN 978-88-15-25958-5)
- **L'esercizio indiretto delle funzioni** (Antonio Ferrara), in S. Staiano (a cura di), *Lineamenti di diritto costituzionale della Regione Campania*, Torino, Giappichelli, 2016, pp. 373-413 (ISBN 978-88-921-0485-3)
- **La vicenda delle province** (Stelio Mangiameli), in AA.VV. *La riforma della Costituzione. Una guida con le analisi di 15 costituzionalisti*, instant book a cura del Corriere della Sera, Milano 2016, pp. 215-232 (ISSN: 2038-0836).



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