

PARTICIPATION OF ITALIAN REGIONS IN THE FORMULATION OF EU POLICIES (ASCENDANT PHASE)

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Italy as a Regionalized Country

- Constitution of 1947
- 15 Regions with ordinary status; 5 regions with special status; 2 autonomous provinces (Trento and Bolzano)
- Regionalism has been progressively introduced since the 1970s
- The Constitutional reform adopted in 2001: division of legislative competences between the State and the Regions: exclusive competences of the State (e.g. foreign affairs, defense), concurrent competences (e.g. foreign trade; job safety; health protection) and exclusive competences of the Regions (agriculture; tourism)

Rules in the Italian Constitution on the Participation of Regions to the EU

- Constitutional law reforming Title V of the Italian Constitution (no. 3, 18.10.2001)
- Art. 117 § 5: “the regions participate in taking the decisions aimed at formulating EU norms in the matters of their competences”. Constitutionalization of regional participation in the ascendant phase
- Limitation: “According to the procedures established by the laws of the State”

Implementing Ordinary Legislation

- Law 5 June 2003, n. 131: “Rules on the implementation in the Italian legal order of Constitutional law n. 2001/3” (“La Loggia Law”; Center-Right Government)
- Law 24 December 2012, n. 234, “General rules on Italy’s participation in the formulation and the implementation of EU laws and policies” (Monti “Technical” Government)

Direct Participation in the EU Council

TEU, art . 16 § 2: “The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote”

Formula introduced by the Maastricht Treaty for allowing Member States with a federal structure to be represented by exponents of the governments of federated or regional entities

Representation of Italian Regions in the EU Council

- Law n. 131/2003, art. 5: “The Regions directly concur to the formulation of EU acts, in the matters within their legislative competence, by participating, as part of Government delegations, in the activities of the Council and of the working groups and committees of the Council and of the Commission”
- The Head of the Delegation is nominated by the Government; the Law allows the appointment of a Regional President as Head of Delegation
- The modalities of regional participation are “to be agreed in the State/Regions Conference”

The State/Regions Conference

Deliberations

- **The Permanent Conference for Relations between the State, the Regions and the Autonomous Provinces (State/Regions Conference):** is chaired by the Under-Secretary for Regional Affairs and consists of the Presidents of the 20 Italian Regions and of the 2 autonomous provinces; the principal forum for discussion and negotiation of policy between the State and the Regions.
- **General Agreement on Cooperation of 16 March 2006.** In the matters of regional legislative competence the Italian delegation to the Council must include 2 regional delegates (1 from the 15 regions with ordinary status and 1 from the 5 regions with special autonomous status and the autonomous 2 provinces of Trento and Bolzano).

The function of **head of the Delegation** is generally attributed to the **representative of the Government**, save for a different decision adopted by the State/Regions conference at the instance of Regions.

Conclusions: the participation of Italian regions in the Council is slightly more than symbolic
Participation of regional experts in the working groups and in the committees: more effective

Indirect Participation of Italian Regions in the Formulation of EU acts: the CIAE

- **Law 234/2012:** Procedure concerning the formation of the Italian position vis-à-vis EU acts and policies
- **Intergovernmental Committee for European Affairs (CIAE):** main institution for the coordination of the Italian position; chaired by the Under-Secretary for European Affairs; includes the President of the **Conference of Italian Regions** (Chiamparino, President of Piedmont)

Indirect Participation of Italian Regions: the State/Regions Conference

- The **European Session of the State/Regions Conference**: It usually meets 3 times a year – the President must convene additional meetings when requested by Regions. A dedicated forum in which central and regional authorities should coordinate the national policy line on EU issues of regional interest.

Transmission of EU proposals to regional bodies

- The Government is obligated to provide the Regions with all proposals of EU normative acts and policy papers
- Regions may formulate “observations” within 30 days (non-binding but can influence deliberations)
- Regions may also request to convene the State-Regions Conference in order to reach an “understanding” in respect of specific EU acts. The Government may also be requested to formulate a “Scrutiny Reserve” in the EU Council.

After the expiration of a 30-day term, the National Government is in any case allowed to adopt its final decision. In other words, the Regions do not have the possibility to block the action of the Italian government, not even in the areas of exclusive regional competence.

Delegations of the Italian Regions at the EU

- 20 Regional Delegations in Brussels. The regional presence in Brussels has given rise to much criticisms in the Italian press and in the public opinion.
- After the outbreak of the crisis, some Regions have reduced their personnel and others have decided to establish synergies (e.g. the Regions of Central Italy). These efforts are generally considered inadequate.

Political attitude of the Regions in respect of the Italian EU Policy

- Overall, **Italian Regions tend to support the position expressed at EU level by the Italian Government** (the majority are governed by Center-Left coalitions)
- Regions governed by the **Lega Nord** (a federalist movement with a strong basis in Northern Italy): Lombardia, Veneto.
- Contrast with the National Government on the formulation of the Italian policy on some issues: **immigration and asylum; agriculture.**

End of presentation

**Many thanks for your kind
attention!**

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