



UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

SYLLABUS DEL CORSO

Diritto Regionale

2021-3-E1601N057

Learning objectives

The course aims to provide the basic notions and methods to understand the ratio, the historical and comparative development and the models of decentralization as a form of organization. It is conceived for students of non legal faculty.

Once explained the historical and comparative terms, the course aims to analyse the functioning and organization, as well as their constitutional principles, of the regions and local authorities of the Italian Republic, both with reference to the functions and powers exercised for the benefit of their citizens, both with reference to those exercised as an institutional level of government among others (State, foreign State, supranational and international institutions).

The ultimate goal of the course is therefore to allow students to be able to understand and interact with the infrastatal institutions, not only according to how they are organized in the Italian territory, but more generally according to the typical models of decentralization.

Contents

1. Regionalism as a form of institutional organization. The form of State in its historical and comparative perspective of the territorial division of power: from theoretical and historical origins to the different models of decentralization.
2. Regionalism as the Italian original model of decentralization. Differences with other models. Italian regionalism in its historical dimension, from the Unification of Italy until today.
3. The constitutional Italian principles on regionalism.

4. The fundamental organization of regions with ordinary Statute: statutory power; normative power; administrative functions; financial autonomy.
5. The fundamental organization of regions with special Statute and differences with the ordinary ones.
6. Relations with State: collaboration and dispute resolution instruments.
7. Regions' foreign power and their relations with the European Union.

Detailed program

1. Regional organization as a form of institutional organization:

The concept of one and united sovereignty in the modern State - The first reflections on the multi-dimensions of sovereignty - From the first confederal experiences to federalism - The Italian contribution to the birth of the regional model - Overview of comparative experiences: USA, Switzerland, German Federal Republic, Spain, Belgium, UK, France - Decentralization from the 1990s until today: a seamless process from the unitary State to the federal State.

2. Steps of the Italian regionalism:

The organization of political power according to its territory, from the unification of Italy to the fall of fascism - Regions in the Charter of '48 - Regions with special Statute - Regions with ordinary Statute - The delayed start of regionalism - The extension by law of the functions of local and regional authorities - The constitutional reform of 1999/2001 - Implementation of the reform: critical aspects, challenges and attempts to change.

3. Principles of the Italian regionalism:

Unity - Autonomy - Loyal collaboration - Subsidiarity and adequacy - Differentiation - Substitute power.

4. The fundamental organization of the regions with ordinary Statute:

4.1 Statutory autonomy - The essential and possible contents of Statute - The limits of Statute - Proceedings for their approval - Statute as a source of law;

4.2 The form of regional government - Regional authorities - Instruments of popular participation;

4.3 Regional legislative power;

4.4 Local authorities and regions' administrative powers - Principles governing the distribution of administrative competences - Fundamental, proper, attributed, conferred functions - Substitute power of the State and regions;

4.5 Regional financial autonomy - Budgetary constraints - Regional taxes - Instruments of fiscal equalization - Spending authority - Financial coordination - The regions' estate.

5. Regions with special Statute:

Regions with special Statute's organization: differences with ones with ordinary Statute - Special Statutes and statutory laws - Legislative and administrative powers - Financial autonomy - Special status after the Title V constitutional reform.

6. Regions and the State: collaborative and dispute resolution instruments:

6.1 Instruments of collaboration in Parliament and in the national government - Further tools of collaboration;

6.2 The dispute resolution tools: judicial review; the appeal of regional statutes; conflicts of competences between the State and regions; dispute between the State and regions with special Statute; the role of the constitutional Court.

7. Regions and other political institutions:

European integration and the role of regions - Regions' powers and their role in the ascending and descending phases of the EU policies - International relations and the regions' foreign power.

Prerequisites

Knowledge of Italian constitutional law

Teaching methods

During the Covid-19 emergency period, lessons will take place remotely and asynchronously so that they can be downloaded by students. In addition, to further facilitate the participation and understanding of the students, on a regular basis - indicatively once every two or three weeks - collective meetings will be organized remotely in synchronous mode within which discussions will be held with the Teacher and may be asked questions, questions, questions and any insights on the topics of the course.

Assessment methods

Oral exam and until further notice through Webex

Operating Instructions:

For organizational reasons and to facilitate the management of the exams it **is essential that you register within 5 days from the closing of the appeal** (regardless of the formal closing date of the appeal) and that you proceed to cancel the registration if you decide not to participate.

It is also necessary to register for the exam through Segreteria online and also to register for the e-learning platform 2020/21 even if you have enrolled in platforms from previous years and have not yet taken the exam or have never been registered on any platform. **Failure to register or to the segreteriaonline or to the 20-21 e-learning platform prevents the exam from taking place.** Off-course students can

contact esamigiuris@unimib.it for any doubts.

The technical prescriptions for participation in the exam (useful links, possible subdivisions in parallel commissions or distribution over several days, unavoidable given the modalities of the exams remotely) will be communicated directly by the teacher via e-mail sent or by segreteriaonline or by Moodle.

Textbooks and Reading Materials

R. Bin, G. Falcon, *Diritto regionale*, Il Mulino, Bologna, 2018

For attending students, some parts of the program can be studied only through the teacher's lessons.
