UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Regional Law

2122-4-A5810233

Learning objectives

The student will acquire a solid knowledge of the founding principles of the Italian Regional law through a deeper understanding of sources oflaw, the regional form of state and constitutional bodies. On the basis of the given criteria the student will be able to distinguish regional form of state from federal, confederate or unitary experiences, also referring to historical and comparative data.

Secondly, the student will obtain the ability to comprehend normative texts, including the Constitution, and primary and secondary sources of law. Along with the juridical theory and method, the student will also learn the constitutional practices, above all through the development of the capacity to interpret and utilize constitutional case law. At the end of the Course the student will be able to develop in an autonomous way research aimed at finding and application of regional law and case law.

Contents

The course will address the study of Italian regional and local legal system through the knowledge of the structure and functions of Italian territorial authorities, in the perspective of the constitutional model and its changes introduced with constitutional statutes n. 1/1999, n. 2/2001, n. 3/2001.

Detailed program

The programme is structured as follows:

PART I. - INTRODUCTORY NOTIONS

1. General concepts: centralised state, federal state, regional state, confederation of states.

2. The evolution of Italian regionalism from the constituent model to the "reform" of Title V and up to the failed Renzi-Boschi reform.

3. Unity of the Republic, administrative decentralisation and institutional pluralism. The constitutional autonomy of regions, provinces and municipalities. Notes on the organisation of municipalities and provinces.

4. Regions with special autonomy.

PART II. - THE REGIONS WITH ORDINARY AUTONOMY

5. Statutory autonomy and electoral legislation.

6. The regional government: constitutional model and regional variants.

7. Fundamental regional bodies (President of the Region; Regional Council; Council of Autonomies).

8. The legislative autonomy of the regions pursuant to Article 117 of the Constitution and differentiated regionalism (Article 116 of the Constitution)

9. The administrative autonomy of the Regions and the new art. 118 Cost.

10. Financial autonomy (Article 119 of the Constitution) and the so-called fiscal federalism.

PART III - STATE-REGION RELATIONS

11. The state's interference.

12. Cooperative links and the system of Conferences.

13. Conflicts in front the Constitutional Court.

14. The State and the Regions facing the pandemic emergency.

PART IV - THE INTERNATIONAL DIMENSION OF THE REGIONS

15. The regions' relations with the EU.

16. The foreign power of the Regions.

For those attending, a specific section on the constitutional law of the Lombardy Region is added to the syllabus,

with particular reference to the peculiarities of the Statute, the government and the administrative organization. For this part, special material will be provided for lessons. They do not have to take financial autonomy and part IV

Prerequisites

Basic knowledge of the italian Constitutional law

Teaching methods

Lectures. However, it will be possible to follow the lessons remotely and the lessons will be recorded and available on the platform for those who request them.

Assessment methods

The exam consists of an oral interview. For attending students the final grade will also be based on the active participation during lectures.

Textbooks and Reading Materials

All students will have to prepare the exam on the following text:

1. A. D'ATENA, Diritto regionale, Torino, Giappichelli, most recent edition..

2. R. BIN, G. FALCON, Diritto regionale, Bologna, Il Mulino, most recent edition.

3. B. CARAVITA, F. FABRIZI, A. STERPA, Lineamenti di diritto costituzionale delle regioni e degli enti locali, Giappichelli, 2019

In order to prepare the exams is important also to refer to the main decisions taken by the Italian Constitutional Court, discussed during lectures, reachable on the following website:

1. www.cortecostituzionale.it
2. www.giurcost.it