

JEAN MONNET PUBLICATION



*EU and its Eastern Neighborhood:  
Fostering deeper Europeanization  
of Moldova*



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**EU and its Eastern Neighborhood: Fostering deeper Europeanization of Moldova**

**Editors:** Olesia SIRBU, Silvo DEVETAK, Rodica CRUDU

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# EU Regional Policy with Emphasis on the Italian Regional Policy as a Model for European Integration

Ezio BENEDETTI\*

## Abstract

*This contribution aims at answering to a number of questions related with the legal principles and rules governing EU Regional Policy today. A specific attention will be dedicated at the importance of this policy in the light of the problems and slowdowns that are affecting the process of European integration in the last few years and to the possible solution regionalism could represent in this dimension. The main question this paper is trying to answer to is that of the regionalism as an idea and model to foster EU integration, considering also the differences that characterize regionalism in Europe from a member State to another. By this point of view in the second part of the proposed analysis the author will try to underline the main juridical aspects governing Italian regionalism as a model for a new EU regional approach respectful of linguistic, historical, religious and social differences which define the complexity and multiculturalism of Europe. What impact did Europeanization have on the governmental capacity of Italian regions? Are the regions successful in addressing the challenges and the opportunities of European integration? Is the participation in the EU a driving factor for decentralization in Italy?*

*Keywords:* EU Regional Policy, European Integration, Decentralization

## 1. What is it EU regional policy and why do we bother with a regional policy?

Some scholars affirmed that it is easier by a geo-anthropological point of view to define Europe as a continent made of regions rather than of nations.<sup>169</sup> This analysis has been enforced also by an international organization as the Council of Europe that stressed the need to foster regionalism to guarantee a more politically stable and socially equal continent.<sup>170</sup> If we limit our analysis to the European Union – even if this

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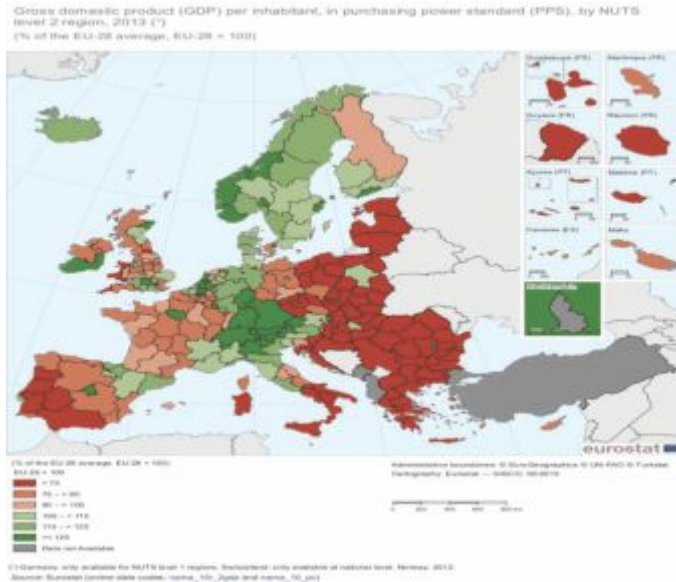
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<sup>169</sup> J. De Veer, L. Van Vissen (edited by), *Europe: One Continent. Different Worlds. Population Scenarios for the 21st Century*, European Population Conference, Dordrecht, 1999.

<sup>170</sup> Council of Europe, *Conference of Ministers Responsible for Regional/Spatial Planning (CEMAT) – Basic Texts 1970-2010*, Strasbourg, 2010.

considerations could be easily extended to all European countries, members or not of the EU it is self-evident that EU regions are still characterized both by a high number of differences in terms of socio-economic development and important disparities in terms of the degree of autonomy and self-governance delegated by central governments to regional ones.

Accordingly to EU data our continent is actually divided in 271 regions including overseas regions and territories. Within these regions there are about 60 minority languages spoken by 40 million EU citizens (roughly 8% of the total EU population) and huge differences both in terms of GDP per inhabitant and of purchasing power standards from a region to another. If we use the above mentioned indicators and we compare cases as Inner London, Île de France, Lombardia or Bavaria regions with in comparison with some regions of Romania or Bulgaria, some southern Italian regions or Greek one, we can easily see that the level of socio-economic development of these latter regions is between 10 and 50 times lower than that of the more developed European regions. In order to give a picture as clear as possible of the current situation affecting the disparities in the level of development of EU regions we are including below the 2013 official map of the Eurostat dealing with these issues.<sup>171</sup>



<sup>171</sup> [http://ec.europa.eu/eurostat/statistics-explained/images/1/1f/Gross\\_domestic\\_product\\_%28GDP%29\\_per\\_inhabitant%2C\\_in\\_purchasing\\_power\\_standard\\_%28PPS%29%2C\\_by\\_NUTS\\_level\\_2\\_region%2C\\_2013\\_%28%2C%2B9%29\\_%28%25\\_of\\_the\\_EU-28\\_average%2C\\_EU-28\\_%3D\\_100%29\\_RYB15.png](http://ec.europa.eu/eurostat/statistics-explained/images/1/1f/Gross_domestic_product_%28GDP%29_per_inhabitant%2C_in_purchasing_power_standard_%28PPS%29%2C_by_NUTS_level_2_region%2C_2013_%28%2C%2B9%29_%28%25_of_the_EU-28_average%2C_EU-28_%3D_100%29_RYB15.png).

Therefore, even if the EU as a whole can be considered one of the world's most prosperous economic zones,<sup>172</sup> still huge disparities exist among these 271 regions, affecting both the process of political and socio-economic integration of EU countries. Taking into consideration this evidence the EU set the political goal of reducing these disparities and therefore the gaps in development allowing a more equilibrated and fair socio.-economic growth for all European regions. As stated in the official website of the European Commission dealing with Regional Policy: "Regional policy targets EU regions and cities, boosting economic growth and improving quality of life through strategic investment. It is also an active form of solidarity which focuses support on the less developed regions".<sup>173</sup>

In order to deal with the idea to develop a specific regional policy within the process of European integration, the European Union created a Committee of the Regions,<sup>174</sup> which

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<sup>172</sup> [http://ec.europa.eu/regional\\_policy/archive/intro/working3\\_en.htm](http://ec.europa.eu/regional_policy/archive/intro/working3_en.htm).

<sup>173</sup> [http://europa.eu/pol/reg/index\\_en.htm](http://europa.eu/pol/reg/index_en.htm).

<sup>174</sup> The CoR has 350 full members and the same number of alternate members. The number from each EU country roughly reflecting the size of its population. Its members are locally and regionally elected representatives including mayors, regional presidents and councillors. The members of the CoR meet in plenary session in Brussels six times a year, to discuss and adopt opinions, reports and resolutions. The President is elected for a two-and-a-half-year term at the plenary assembly, the President guides the Committee's work, chairs plenary sessions and is the CoR's official representative. Markku Markkula (Finland / European People's Party), member of the Espoo City Council, is the current President elected on 12 February 2015 (the President is flanked by one Vice president). The Bureau is the executive body of the CoR. It comprises 63 members: the President, First Vice-President, 28 vice-presidents (one per Member State), the Presidents of the CoR political groups and 28 other members from the national delegations, enabling it to reflect national and political balances. The Bureau generally meets seven or eight times a year to draw up the CoR's policy programme and instructs the administration on the implementation of its decisions. The members of the CoR meet in plenary session in Brussels six times a year, to discuss and adopt opinions, reports and resolutions. The CoR structures its work by means of six thematic commissions, which specialise in topical areas (CIVEX: citizenship, governance, institutional and external affairs; COTER: territorial cohesion policy; ECON: economic and social policy; ENVE: environment, climate change and energy; NAT: natural resources and agriculture; SEDEC: culture, education and research). They prepare draft opinions and hold conferences and seminars focused on their areas of competence. Each commission has approximately 100 members (each member can be part of two commissions) and is supported by a secretariat within the administration. A special Commission for Financial and Administrative Affairs (CFAA) is also established to assist the CoR Bureau. The main competencies of the CoR are mainly related with opinions, resolutions and studies. All these official acts are not binding for member State and EU institutions but have to be taken into consideration by them in drafting EU legislation regarding Regions. The European Commission, Council of Ministers and European Parliament consult the CoR when drawing up legislative texts (directives, regulations, etc.) on areas affecting local and regional authorities. The draft texts are forwarded to the relevant CoR commission. A rapporteur is then appointed to draw up the Committee's opinion. This draft opinion must be adopted by the CoR commission before being discussed at the plenary session. Once it has been approved in plenary, the official opinion is sent to all the European institutions



has its Headquarters in Brussels, to represent Regions of Europe as the layer of EU government administration directly below the nation-state level. The Committee of the Regions (CoR) has been created in 1994 in order to answer to two main needs of the EU integration process. First, accordingly to the principle of subsidiarity governing the functioning of the EU,<sup>175</sup> about three quarters of EU legislation is implemented at local or regional level. With creation of this new body, that has anyway only consultative powers,<sup>176</sup> local and regional representatives finally had the possibility to have a say in the development of new EU rules and principles directly affecting and interesting the local and regional level of government. Second, at the beginning of the nineties there were growing concerns about a widening gap (the so called democratic gap) between the European citizens and the European institutions at a central level. Therefore involving the elected level of local government closest to EU citizens was allegedly considered to be one way of at least reducing this gap.<sup>177</sup> This “new” body of the EU can be seen as the assembly of local and regional representatives that provides sub-national authorities (i.e. regions, counties, provinces, municipalities and cities) with a direct voice within then 'EUs institutional framework; living to these local administrative bodies the possibility to direct interact and somehow influence EU decisions they have an interest in.

Moreover, in order to understand the importance of the CoR, we need to take into consideration also some other dimensions, more political and economic rather than legal ones, that led the EU to create this new institution in 1994 and to progressively develop more and more effective and inclusive tools and instruments governing the EU's Regional Policy. First of all we cannot forgive the historic and cultural claims for autonomy in many regions all over the EU (Basque Country, Catalonia, Alto-Adige, Scotland, Northern Ireland etc.).<sup>178</sup>

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and published in the Official Journal of the European Union. Resolutions enable the Committee to express its view on important and topical issues. For a comprehensive overview of CoR composition, functioning and competencies please see C. Panara, A. De Becker (edited by), *The Role of the Regions in EU Governance*, Verlan-Berlin-Heidelberg, 2011.

<sup>175</sup> For a detailed description of the principles related with the functioning and application of the “subsidiarity” principle in the EU please see A. Estella de Noriega, *The EU Principle of Subsidiarity and Its Critique*, Oxford, 2002; A. Biondi, P. Eeckhout, *EU Law after Lisbon*, Oxford, 2012.

<sup>176</sup> C. Panara, A. De Becker (edited by), *cit.*, p. 26-46.

<sup>177</sup> [http://eur-lex.europa.eu/summary/glossary/committee\\_regions.html?locale=en](http://eur-lex.europa.eu/summary/glossary/committee_regions.html?locale=en). See also S. Andersen, K. Eliassen (edited by), *The European Union: How Democratic is it?*, London, 1998; A.E. Stie, *Democratic Decision-Making in the EU. Technocracy in Disguise?*, London and New York, 2013; A. Kunz, *The Democratic Deficit and the “No Demos” – Thesis*, Hamburg, 2012.

<sup>178</sup> For an indepth analysis of federalism in EU and of regional autonomistic and independence movements in Europe see E. Kloots, G. DE Baere, S. Sottiaux, *Federalism in the European Union*, Oxford and Portland, 2012; J. Loughlin, J. Kincaid, W. Swende (edited by), *Routledge Handbook of Regionalism & Federalism*, Routledge, New York, 2013; E. Hepburn (edited by), *New Challenges for Stateless Nationalist and Regionalist Parties*, Routledge, New York, 2011.

On the other hand, as already mentioned above, there was and still is a general need of strengthening the political and economic situation in those regions that in comparison with other more developed EU regions has a high level of delay in socio-economic development.

At this point of our analysis there is however the need to stress that mainly due to historical reasons also at national level there are significant differences in the level of decentralization and therefore of regionalization<sup>179</sup> if we compare different EU member countries. Some nation States which historically have had a strong centralized administration have transferred political power to the regions. Examples of this include the devolution of power in the UK (the Scotland Act 1998, the Government of Wales Act 1998).<sup>180</sup> But some others are still privileging the traditional “centralized” approach instead of the federal one, and this could be the case of the current negotiations in France concerning possible increased autonomy for Corsica.<sup>181</sup> Notable by this point of view is also the refusal of countries as France and Greece to recognize specific rights and therefore competencies at a regional level for the protection of national and/or linguistic minorities living within their borders.<sup>182</sup> Some other member States have traditionally had strong regions and therefore a clearly “federal” legal system,<sup>183</sup> this is the case perhaps of the Federal Republic of Germany. Somehow in between the two models (the federal and the centralized one) we can see a country as Italy, which, as we will explain in the next paragraphs of the current analysis, could be a new model to further foster regionalization and regional policy especially in these countries which have a strong centralized historical background.

At this point of our contribution it is necessary to briefly underline the existence of other institutions dealing with regionalization in Europe that are not directly linked to the EU system but somehow contributed and still contribute to its development and enforcement. First of all there is the need to mention the Council of Europe, which also has a Congress of Local and Regional Authorities, which has similar competencies and composition as the EU's Committee of the Regions.

Of the major organizations representing the regions of Europe, the Assembly of European Regions (AER)<sup>184</sup> is the largest. Established in 1985, this organization now brings

<sup>179</sup> G. DE Baere, S. Sottiaux, cit., chapter 2 and 3.

<sup>180</sup> A. Trench, *Devolution and Power in the United Kingdom*, Manchester Univeristy Press, 2007.

<sup>181</sup> See <http://lemondepolitique.free.fr/archivesgenerales/articles/saison2/infosmai03.htm>.

<sup>182</sup> E. Benedetti, *La protezione delle minoranze in Europa e l'allargamento dell'Unione Europea: tra agnosticismo e condizionalità democratica*, in G. Cecchini, G. Calabrò (edited by), *Scritti in onore di Domenico Coccopalmerio - Liber Amicorum*, Amon ed. Padova, 2014, pp. 79-126; P. Shoraka, *Human Rights and Minority Rights in the European Union*, London, 2010; B. Bultrini, *La pluralità dei meccanismi di tutela specifica dei diritti dell'uomo in Europa*, Roma, 2004.

<sup>183</sup> E. Kloots, G. DE Baere, S. Sottiaux, cit., 2012.

<sup>184</sup> For a complete analysis of the functioning and the role of AER see: C. Jeffery, *The Regional Dimension of the European Union. Towards a Third Level in Europe?*, Routledge, New York and London, 2015, p. 176.

together over 270 regions from 33 countries, along with 16 interregional associations, across wider Europe. Apart from playing a key role as the regions' political voice on the European stage, AER is a forum for interregional cooperation in numerous areas of regional competence, including economic development, social policy, public health, culture, education and youth. The AER is also a key defender of the subsidiarity principle in Europe, lobbying for its inclusion in the EU treaties since the Maastricht Treaty in 1992 and demanding recognition of the word in dictionaries via the worldwide “Subsidiarity is a word” movement.<sup>185</sup>

Outside EU institutions, the Council of European Municipalities and Regions (CEMR-CCRE)<sup>186</sup> is the largest organization of local and regional government in Europe; its members are national associations of towns, municipalities and regions from over 35 countries. Together these associations represent some 100,000 local and regional authorities. As stated in its website “The Council of European Municipalities and Regions (CEMR) represent the interests of European local authorities and their associations in more than 40 countries. It promotes citizenship and exchange between elected representatives”. To achieve this goal it endeavors to shape the future of Europe by enhancing local and regional contribution, to influence European law and policy, to exchange experience at local and regional level and to cooperate with partners in other parts of the world.

## **2. How the Regional Policy of EU works and what are its current legal basis. Is it worth it?**

In general terms it is possible to affirm that in line with the general legal and organizational framework outlined above EU Regional policy could be considered as a strategic investment policy targeting all EU regions and local authorities (municipalities and other administrative bodies) in order to foster and support their economic growth and improve people's quality of life.<sup>187</sup> It is also an expression of solidarity, focusing support on the less developed regions.

EU regional policy can also be considered as an investment policy. It supports job creation, competitiveness, economic growth, improved quality of life and sustainable development. And as such these investments support the delivery of the Europe 2020 strategy as a whole.<sup>188</sup> As stated in the official EU website dealing with Europe 2020, it “is

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<sup>185</sup> <http://aer.eu/subsidiarity-is-a-word-for-google-or-is-it/>.

<sup>186</sup> <http://www.ccre.org/>.

<sup>187</sup> A. De Becker (edited by), *cit.*, p. 26.

<sup>188</sup> The Europe 2020 Strategy, which received the go-ahead from the Spring European Council of 2010, is to reinforce economic policy cooperation with a view to promoting sustainable growth in the EU. It succeeds the Lisbon Strategy (2000-2010) and builds on the objectives and toolbox of the revised Lisbon Strategy of 2005 (focused on growth and jobs). Like the latter, it is driven by international competitiveness concerns and the promotion of productivity, growth and sustainability. It also makes use of the same governance framework. [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm).

the EU's growth strategy for the coming decade. In a changing world, we want the EU to become a smart, sustainable and inclusive economy. These three mutually reinforcing priorities should help the EU and the Member States deliver high levels of employment, productivity and social cohesion”.

Currently the EU regional policy funding focuses on 4 priorities: research & innovation; information & communication technologies; making small and medium-sized businesses more competitive and moving towards a low-carbon economy. In general terms it can be said that EU Regional Policy is a result oriented policy which in the previous EU financial period (2007-2012) helped EU countries to create 769000 jobs; invest in 225000 smaller businesses; fund 72000 research projects; bring broadband coverage to 5 million more EU citizens; improve quality of life in cities through 11000 different projects.<sup>189</sup>

Regional policy is delivered through the European Regional Development Fund (ERDF)<sup>190</sup> and the Cohesion Fund.<sup>191</sup> National and regional authorities, in cooperation with the European Commission, are responsible for managing the funds from day to day. These Managing Authorities select, finance and monitor the projects that can best help to serve local needs basing their choices on the subsidiarity principle. They provide information on funding opportunities to potential beneficiaries, including public bodies, the private sector (businesses), universities and associations & NGOs.

Currently boosting growth and employment are therefore central to the wider EU agenda – “Europe 2020 Strategy”. It can be said that Europe 2020 is the EU's blueprint for competitiveness, employment and sustainable growth. And its main priorities in the light also of Regional policy are increasing levels of innovation to help businesses move up the value chain and reduce unemployment rate in Europe.

What can be already said is that this EU Agenda has been also hardly criticized as it moved from the need to face with the economic and financial crisis burst up in 2008 but it was hardly criticized as “Before even having enacted the new strategy, the European Union (EU) already faces challenges of a further-reaching nature and different dimension. The economic and financial crisis has transformed into a sovereign debt crisis with the risk of contagion to other Eurozone members, calling into question not only the solvency of various member states but also many of the achievements that had already been taken for granted in the EU. It has highlighted the need for increased European economic cooperation in order to deal with the causes of the crisis (competitiveness differentials between member states and budgetary disequilibria) and impede spill over into the monetary sphere, in particular in the Eurozone”.<sup>192</sup>

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<sup>189</sup> All this data are available at [http://ec.europa.eu/regional\\_policy/index\\_en.cfm](http://ec.europa.eu/regional_policy/index_en.cfm).

<sup>190</sup> [http://ec.europa.eu/regional\\_policy/en/funding/erdf/](http://ec.europa.eu/regional_policy/en/funding/erdf/).

<sup>191</sup> [http://ec.europa.eu/regional\\_policy/en/funding/cohesion-fund/](http://ec.europa.eu/regional_policy/en/funding/cohesion-fund/).

<sup>192</sup> <http://archive.intereconomics.eu/year/2010/3/europe-2020-a-promising-strategy/>.

Nevertheless the Regional Policy is based for the period 2014-2020 on the priorities given in the Europe 2020 Strategy; which gives also the legal basis for the cohesion policy as a whole and for the implementation of a more balanced regional policy for the same period.

Now there is the need to answer to one fundamental question related with the implementation of the EU Regional Policy in the framework of this new 2020 strategy: if boosting growth and job are the main priorities of this new strategic approach, is regional policy putting this into practice? What can be stated is that there is a strong concentration of the effort on competitiveness; in fact Member States must ' earmark ' resources on such strategic investments (€230 billion now targeted on EU 2020 priorities). On the other hand, there is a concentration of resources on least prosperous Regions with GDP per head below 75% of EU average (this involves over ¼ of population) and in Member States with GDP per head below 90% of average (13 Member States with 25% of population). So, by this point of view the answer can be surely positive.

Then if we want to answer to the question of Regional policy is worth it the answer should be positive. In fact evidence suggests positive contribution to growth, national convergence and reduction of interregional disparities. Ex-post evaluations demonstrate positive employment effects and clear benefits in terms of regional governance.<sup>193</sup>

In terms of outputs Regional Policy contributed in increasing per capita GDP in Greece, Spain, Ireland and Portugal – ( Greece increased from 74% of the EU average to 92% between 1995 and 2013), in helping to reduce income disparities between richest and poorest by roughly a fifth (between 2000 and 2013) through sustained high growth. By 2016, it is estimated that regional policy will have generated an additional 440,000 jobs in Poland, as well as contributing an extra 6% to GDP and 21% to investment. Over 74,000 km of road were built or reconstructed in the period 2000-2013. The equivalent figure for rail was nearly 15,000 km. Finally it must be reminded also that EU Regional Policy through its dedicated funds supported more than 1,250,000 small businesses in the EU in the period 2007-2013.<sup>194</sup>

But if we decide to go in depth in the analysis of the added value of the cohesion policy as a whole and of Regional policy in particular we found out that even if there is a leverage effect of additional resources on disposal of EU Regions very often this is accompanied by the complexity of management and control structures, a reality on ground that can be very variable and it is still unclear in some Member States if effects are consistent or attributable to transitional policy. Finally it must be stressed also that the effectiveness of

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<sup>193</sup> [http://europa.eu/pol/reg/index\\_en.htm](http://europa.eu/pol/reg/index_en.htm).

<sup>194</sup> C. Bachtler, P. Gorzelak, Cohesion Report. Spatial Disparities and Development Policy, Brussels, European Commission, 2015.

monitoring and evaluation is very often undermined by poor data on disposal of scholars.<sup>195</sup>

Anyhow our final opinion about the effectiveness of EU Regional Policy shall be positive considering four different aspects. First of all it has successfully reduced the gaps between regions in Europe and made a major contribution to prosperity and democratic stability. Secondly it has improved management and governance in the regions by decentralising management and devolving responsibility: we must always remember in fact that it is not the Commission that select projects. In third place it must be stressed that it is, with research, the EU's biggest budget heading and, finally, it works by investing in infrastructure, training, innovation and research.

### **3. Italian Regionalism and the evolution of the system between 1948 and 2015.**

In this final paragraph of our contribution we will try to answer to three fundamental questions. What impact did Europeanization have on the governmental capacity of Italian regions? Are the regions successful in addressing the challenges and the opportunities of European integration? Is the participation in the EU a driving factor for decentralization in Italy?

We strongly believe that the case of Italy is of Paramount importance in assessing the effectiveness and also the limits of EU Regional policy on one side and to individuate Italian regionalism as a model for other Member States on the other.

First of all there some basic consideration which should not be forget. As stated by some prominent authors the “European fitness” of Italian regions is highly asymmetric and so is their responsiveness to the challenges of multilevel governance.<sup>196</sup> Moreover, while Italian regions have overall benefitted from the opportunities of European integration, there is still much to do in terms of institutional capacity, especially due to the overly complex system of intergovernmental relations.<sup>197</sup>

By an historic and legal point of view the Italian regionalization process was entangled already in its Constitution in 1948 but the Regional Reform has been enacted only in 1970.<sup>198</sup> There are 20 Regions and 4 of these regions are so-called “autonomous regions” (Friuli Venezia-Giulia, Valle d'Aosta, Sicily and Sardinia) and 2 “autonomous provinces” (Trento and Bolzano in Trentino Alto Adige region) with a different degree of autonomy due to ethnic, historical and linguistic reasons.<sup>199</sup>

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<sup>195</sup> C. Bachtler, P. Gorzelak, op. Cit., p. 114.

<sup>196</sup> S. Mangiameli, *Il regionalismo italiano tra tradizioni unitarie e processi di federalismo*. Contributo allo studio della crisi della forma di Stato in Italia, Giuffrè, Milano, 2012.

<sup>197</sup> A. D'Atena (edited by), *Regionalismo e sovranazionalità*, Giuffrè, Milano, 2013.

<sup>198</sup> S. Bartole, *Interpretazioni e trasformazioni della costituzione repubblicana*, Il Mulino, Bologna, 2004.

<sup>199</sup> G. Mor, *Le Regioni a Statuto speciale nel processo di riforma costituzionale*, in *Le Regioni*, vol. XXIV, n. 25, 1999, pp. 76-85.

The territorial design provided by the Italian Constitution is marked by a high degree of decentralization and is best described as “polycentric” rather than as a proper federal system.

Italy was the first country to experiment with devolutionary asymmetry.<sup>200</sup> After World War II, the establishment of a strong subnational level of government was inevitable in at least five territories: Trentino-Alto Adige (Trentino-South Tyrol), Valle d'Aosta (Aosta Valley), Friuli-Venezia Giulia (three relatively small alpine regioni (regions) with a relatively substantial population of ethnic minorities), Sicilia (Sicily) and Sardegna (Sardinia). These latter two are the country's main islands, both facing economic and social problems, both with strong political traditions of autonomy. In order to avoid too strong an asymmetry between these territories and the rest of the country, and to experiment with a “third way” between a federal and a unitary system, the establishment of Regioni was foreseen for the whole country, although others would enjoy a much lesser degree of autonomy than the previously mentioned five.<sup>201</sup>

The development of Italian regionalism can be roughly divided into three stages:

1) the early times (1948 – 1972),

2) the implementation of regional autonomy (1972 – 1999),

3) and the new constitutional frame (from 1999 on), which remains in the process of implementation.

The first phase started in 1948, when the democratic constitution established 20 Regioni (Art. 131 Const.), five of which enjoy a higher degree of autonomy (Art. 116 Const.). These five so-called Regioni a statuto speciale (special or autonomous regions) each have their own statute (regional basic law), approved as a constitutional law of the Italian State. Each received considerably more legislative, administrative and financial autonomy than the other Regioni, and the ability to negotiate their bylaws directly with the national government, bypassing the national parliament. The remaining 15 – the so-called Regioni a Statuto ordinario (ordinary regions) – enjoyed only a limited legislative power in specific fields identified in the national Constitution (Art. 117 Const.). They had less ability to develop autonomous Statuti, as they fell formally under the ordinary law of the State, and all had very similar if not identical governmental structures. Moreover, for complex political reasons that we do not have space to explain here in details,<sup>202</sup> the Regioni a statuto ordinario were not established before 1970. The first national laws devolving some legislative power to these Regioni a Statuto ordinario were enacted only in 1972, and the

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<sup>200</sup> S. Bartole, cit., p. 143.

<sup>201</sup> Ibidem.

<sup>202</sup> S. Bartole, cit., Chapter 2.

subsequent process of implementation took another two decades.

During the second phase (1972-1999), between 1972 and 1999, the autonomy regime was implemented in a long and complex process. In the early 1970s, the *Regioni a statuto ordinario* were established, and elections to their various bodies were held (1970 – 1972). Effective powers began to be transferred to the *Regioni a statuto ordinario* only in 1977. However, these regions lacked both political culture and governmental experience. Moreover, no specific instrument of cooperation facilitating interaction between these regions and the State was provided. The more active regions tried to “force” more autonomy from the central government, seeking a more benevolent interpretation of their individual powers, while the weaker were left behind. Thus, the case law of the *Corte Costituzionale* (Constitutional Court) ultimately became much more relevant in determining the real powers of the regions than the laws and the wording of the constitution itself.

However, many very important laws reforming public administration and the system of self-government have been approved over the last 20 years. Legislative reforms have succeeded in modifying the general administrative structure, thus encouraging the regions to develop their potential for self-government.<sup>203</sup> These laws (enacted between 1972 and 1999) constituted a substantive, if not actually a formal constitutional change, because they redesigned the division of legislative and administrative competences, enumerating the competences of the Italian State and making the regions responsible for the remainder.

The third phase started in 1999 and can be still considered not totally closed. The introduction of a *de facto* federal system by means of parliamentary (and to some extent even governmental) legislation bypassed some political problems, but obviously created legal ones. In particular, the constitutionalization of the new principles was necessary.<sup>204</sup> In 1999, in order to enhance political stability in the *Regioni a statuto ordinario*, the first constitutional reform<sup>205</sup> introduced direct elections for the *presidenti della giunta regionale* (regional presidents) and changed the procedure for approving regional statutes.

All ordinary regions now adopt their own statute by means of a special regional law, approved by the regional council (essentially a regional parliament) rather than the national parliament, as before. This is done by means of a special procedure which resembles the one governing constitutional laws at the national level: Statute must be approved twice by the regional council, each time with an absolute majority, and must go to public referendum if this is requested by a specific number of voters or by one-fifth of regional council members (Art. 123 Const.). Constitutional Law No. 1/1999 also institutionalized consultation

<sup>203</sup> Law no. 400/1988; Law No. 142/1990; Law No. 81/1993; Law No. 59/1997 so called Bassanini Reform.

<sup>204</sup> S. Bartole, *cit.*, p. 165.

<sup>205</sup> Constitutional Law No. 1/1999.



between the regions and the local authorities; in each region, a council of local autonomies is established.

The second, related, reform was introduced in 2001,<sup>206</sup> when the division of legislative and administrative powers between the State and the regions was drastically changed: From this time onward, the legislative powers of the Italian State and the fields of concurrent legislation (i.e., those in which the regions can legislate only within the framework of general guidelines established in national law) were listed in the constitution (Art. 117 Const.). All remaining legislation belongs to the regions, in a way that resembles the typical residual power clause of federal constitutions. The 2001 reform plainly qualifies the regions as “constituent parts” of the Italian Republic and as “autonomous level of government” (Art. 114 Const).

The overall outcome of the constitutional reforms was an increase in the powers of the 15 ordinary regions, reducing the gap between them and the five special ones.

However, the 1999-2001 reform is not yet fully complete, for two main reasons. First, a national strategy for the implementation of the constitutional reform is still lacking; national laws for the implementation of articles 117, 118 and 120 of the Constitution were adopted only in 2003<sup>207</sup> and in 2005,<sup>208</sup> while the financial provisions of the Constitution (Art. 119 Const.) were implemented only in 2009.<sup>209</sup> Second, regions have been slow to adopt their new statutes; as of January 2016, almost twelve years after the start of constitutional reforms, 17 out of 20 regioni have seen their new statutes come into force, with several important regions still missing.

#### **4. Impact of the EU on institutional governance capacities of Italian regions**

Overall, the EU always played a remarkable role in shaping the development of Italian regionalism. However, such role is sometimes rather perceived than real.

In the political narrative but also in the legal provisions, very often the compliance with EU obligations is identified as the main reason for action.<sup>210</sup> At the same time, especially in the less competitive regions, this proves to be rather a rhetorical exercise, and, for example, often EU funds are not properly used.

Regional governance capacity has been deeply influenced, although slowly, by the European level. More precisely, the necessity to conform to European obligations and some positive competition among the Italian regions in European issues (including in attracting

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<sup>206</sup> Constitutional Law No. 3/2001.

<sup>207</sup> Law No. 131/2003, the so-called La Loggia law.

<sup>208</sup> Law No. 11/2005, the so-called Buttiglione law.

<sup>209</sup> Law No. 42/2009.

<sup>210</sup> S. Fabbrini, *L'Europeizzazione dell'Italia: l'impatto dell'Unione Europea sulle istituzioni e le politiche italiane*, Laterza, Roma-Bari, 2003.

European funds) have produced significant and positive changes in regional policies.<sup>211</sup>

As described in the previous paragraph the relationship between the European Union and Italian regions has been formalized in the Constitution only in 2001. However, the impact of the process of European integration on Italian regionalism dates back from the beginning of the regional experience in the seventies.

In addition to the institutional dimension, the Europeanization has had a considerable impact also in economic terms, in some case providing for a considerable part of the regional budget for the economically less developed regions especially in the south of Italy.

But the perception of the European Union varies considerably from a region to another. In general, two main strands in the regional political discourse have emerged as to the role of the European Union in shaping regional potential. In some regions, particularly in those with economic problems, the EU is seen primarily as a source of possible funds; the European debate is therefore focused on how funds can be better attracted and spent. In others, especially in those with a higher economic and institutional performance, the EU is perceived as offering opportunity for local entrepreneurs to expand, and regional policies compete in offering viable conditions for access to Europe.<sup>212</sup>

Against this background, the influence that regions can exert on national EU policymaking is essentially based on political criteria.

There are no formalized bilateral mechanisms of cooperation focused on this particular point, and the multilateral forums for cooperation between the State and regions on EU issues generally have an equalizing effect.

In other words, regions pushing for specific policy choices in European affairs can have their voice heard at the national level only indirectly, by exerting political rather than institutional pressure. As to formal instruments, Article 5 of Law No. 131/2003 provides that regioni can participate in the activities of the European Council and its working groups, and can work with the Commission and its expert committees in areas of regional legislative competence (implementing Art. 117.3 and 4 Const.), following agreement in the Conferenza Stato- Regioni.

All the above considered we can make an overall assessment of the EU fitness of the Italian regionalized system. The process of European integration has generally affected the traditionally uncooperative relationship between the Italian central government and the Regions in a positive way. However, a relatively high number of conflicts remain, especially

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<sup>211</sup> S. Fabbrini, S. Piattoni (edited by), *Italy in the European Union: Redefining National Interest in a Compound Polity*, Rowmand & Littlefield Publishers, Plymouth, 2008.

<sup>212</sup> M. Brunazzo, *Le regioni italiane nella multilevel governante: i canali di accesso alla UE*, in *Le istituzioni del federalismo*, 25, no. 4, 2004, pp 623-648.

when compared to other European countries. The main conflict-prevention mechanism is the Conferenza stato-regioni (State-Regions Conference), which brings national and regional governments together to draft general policy guidelines or for specific purposes (by means of specialized sub-conferences on varying subjects). The most relevant conflict-resolution mechanism in the case of tension between the central government and the regions is still provided by the Italian Constitutional Court; many cases heard here indeed regard EU affairs. Overall, the court has safeguarded regional prerogatives against State interference, in part by ruling that it is unconstitutional for the State to use its coordination role in EU affairs to take competences away from the regions (Judgment No. 203/2003), at least without the regions' consent (Judgment No. 68/2008).

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