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## The Italian regionalism in the context of the Italian National Recovery and Resilience Plan

### *El regionalismo italiano en el contexto del Plan Nacional de Recuperación y Resiliencia de Italia*

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#### NOTA BIOGRÁFICA

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#### ABSTRACT

This article aims to analyse the impact of the National Recovery and Resilience Plan (NRRP) on Italian regionalism. After summarising the characteristic features of the Italian multi-level government model, the text analyses three significant issues of the NRRP: drafting, governance, and implementation. For each of these issues, an attempt will be made to define the role played by the regions and local authorities and their relationship with the central government, to identify elements of continuity and disruption concerning the trends present in the system of territorial autonomies prior to the adoption of the Plan. The analysis leads to the conclusion that the NRRP has given the system a shift towards centralism. If the reforms and investments envisaged in the Plan are successful, however, this could herald the opening of a new season for territorial autonomies in Italy.

#### KEYWORDS

Regionalism; federalism; National Recovery and Resilience Plan; governance; implementation.

#### RESUMEN

El artículo tiene como objetivo analizar el impacto producido por el Plan Nacional de Recuperación y Resiliencia (PNRR) en el regionalismo italiano. Después de resumir los rasgos característicos del modelo de gobernanza multinivel italiano, el texto analiza tres momentos destacados del PNRR: redacción, gobernanza e implementación. Para cada uno de estos momentos, intentaremos delimitar el papel que juegan las Regiones y los entes locales y su relación con el gobierno central, con el fin de identificar elementos de continuidad y discontinuidad respecto a las tendencias presentes en el sistema autonómico antes de la adopción del Plan. El análisis lleva a la conclusión de que el PNRR le ha dado al sistema un viraje hacia el centralismo. Sin embargo, si las reformas e inversiones previstas en el Plan tienen éxito, podría abrirse una nueva temporada para las autonomías italianas.

#### PALABRAS CLAVE

Regionalismo; federalismo; Plan Nacional de Recuperación y Resiliencia; gobernanza; implementación.

## SUMMARY

1. INTRODUCTION. 2. A STEP BACKWARDS: ITALIAN REGIONALISM AND THE PANDEMIC, BETWEEN CONTINUITY AND DISRUPTION. 3. DRAFTING: SHADES OF CENTRALISM BETWEEN THE CONTE II AND DRAGHI GOVERNMENTS. 4. GOVERNANCE: REGIONS AND LOCAL AUTHORITIES PRESENT, BUT IRRELEVANT. 5. IMPLEMENTATION: ADMINISTRATIVE CAPACITY, POWERS OF SUBSTITUTION AND “TERRITORIAL ALLOCATION”. 6. CONCLUSIONS: WHAT TRAJECTORY FOR ITALIAN REGIONALISM DURING THE NRRP? BIBLIOGRAPHY.

## 1. INTRODUCTION<sup>1</sup>

The approval of the Italian National Recovery and Resilience Plan (NRRP) marks a major step in the evolution of Italian regionalism and, more generally, of the structure of the institutional framework with regard to the relationships between the Italian central state and regional governments. On the one hand, the huge resources mobilised by the Plan represent an unprecedented opportunity –at least in recent times, marked by the economic crisis and public spending cuts– to address some of the main problems facing the country. This applies in particular to the problem of territorial cohesion and the enormous socio-economic gap between the Centre-North of the country and the so-called *Mezzogiorno*, the term used to refer to Southern Italy. This historical territorial rift has progressively widened in recent years and during the pandemic. In addition to having a dramatic impact on the living conditions of the populations of the most socio-economically backward areas (not only Southern Italy but also the so-called “internal areas”), this territorial gap has always acted as a brake on the development of the entire country (Caravita, 2021; Poggi, 2021).

On the other hand, the planning of investments, which was carried out by the central government, and the close monitoring of their implementation, which is to a large extent entrusted to regional and local institutions, is a factor that challenges the current structure of territorial autonomies.

The analysis of the three crucial issues of the National Recovery and Resilience Plan –drafting, governance, and implementation– is thus an opportunity to review the functioning of the system of territorial autonomies, and to attempt to grasp elements of continuity and disruption with regard to previous trajectories of the evolution of the system itself. Reference is made to both long-term and short-term trajectories and, in particular, to those that emerged during the pandemic.

Of course, this analysis does not claim to offer a complete, definitive and indisputable scenario, since the Plan is only just beginning to be implemented and a large part of the reforms and investments which are programmed by it will need to be completed over the coming years, by 2026. However, given that both the essential contents of the Plan and its governance are now defined, there are sufficient elements to outline at least the regulatory and institutional aspects of the system of territorial autonomies in relation to the Plan. In order to assess the actual functioning of this structure and the long-term effects on Italian regionalism, it will be necessary to wait for the evolution of policies and look at their performance in the coming years.

The essay begins with a brief description of the salient aspects of Italian regionalism. It highlights the elements of continuity and disruption that emerged during the COVID-19 pandemic, which has tested the model's resilience. We then proceed to reconstruct the process that led to the approval of the Plan at the national level. Although this path has been followed by two different governments (Conte II and Draghi), it is still characterised by a centralist approach, with the marginalisation of the regions and local authorities. The governance of the Plan is another aspect that will be addressed, as defined by Decree-Law No. 77 of 2021. In terms of the involvement of the territorial autonomies, this decree indicates progress, as compared to the hypotheses of the Plan's management structure as formulated by the Conte II Government. However, the governance structured by the Draghi Government still leaves the territorial autonomies on the margins of the decision-making process. In truth, there is no shortage of forums and occasions for coordination and participation, both for the regions and local authorities. Yet the actual ability to influence crucial choices for the implementation of the Plan remains highly controversial. Finally, the implementation phase is analysed, describing the tools that the government can use to ensure the prompt and correct implementation of the Plan, the main shortcomings and critical issues encountered by the regions and local authorities, as well as the first

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corrective measures taken by the government. In the conclusion, on the basis of the analysis conducted, an attempt will be made to hypothesise the possible evolution of the trajectory of Italian regionalism.

## 2. A STEP BACKWARDS: ITALIAN REGIONALISM AND THE PANDEMIC, BETWEEN CONTINUITY AND DISRUPTION

The Italian model of relations between the central State and the Regions is often defined as “incomplete regionalism/federalism”. The system of relations between the centre and the regions does not neatly fit into any of the possible models that may be abstractly identified, i.e. regionalism, federalism and (if also desired) autonomism (Baldi, 2020; Baldi & Profeti, 2020). The Italian system contains elements of both models, which are not always coherent and stable. Moreover, both the political system and civil society lack a strong and widespread “culture of federalism”, which is necessary to support and guarantee a solid development of autonomy for the Regions (Rolla, 2019). Throughout the history of the Italian Republic, there has been a frequent oscillation between one extreme and the other. There have thus been periods of strong centralism, followed by autonomist impulses, which have been counterbalanced by re-evaluations and reforms in both directions.

Briefly, the primary features of the system and its evolutions can be described as follows.

The system of territorial autonomies established by the Italian Constitution of 1948 provided for the establishment of ordinary regions, understood as bodies of political and administrative decentralisation, endowed with concurrent legislative powers, which could only be exercised within the limits and in compliance with the principles laid down by state law. A supremacy clause was included (the so-called “national interest”) and the review of legitimacy on regional legislative acts before the Constitutional Court was preventive (unlike that of state laws). In view of the absence of a chamber representing the regions and the lack of involvement of the regions in both the legislative process and that of constitutional amendment, the system established could thus be easily traced back to the regionalist model.

However, at least two elements have complicated the scenario. On the one hand, the serious delay in setting up the regions (1970) for essentially political reasons, together with their financial dependence on the state, has resulted in weak *Ordinary Statute Regions* with poor self-government, which have struggled to fully exercise their legislative powers, mostly limiting themselves to legislating in the spaces left by state legislation (so-called “interstitial legislation”). On the other hand, there are five *Special Statute Regions* (Valle d’Aosta, Trentino-Alto Adige, Friuli-Venezia Giulia, Sicily, Sardinia), established immediately after the Second World War<sup>2</sup>, each with their own constitutional status, exclusive legislative powers and much greater financial autonomy. These regions have therefore been able to develop their specific path of asymmetrical autonomy, mainly on the basis of bilateral relations with the state (Palermo, 2021; Baldi, 2020).

The absence of a “Chamber of Regions” (Italy’s second chamber, the *Senate of the Republic*, has functions and composition similar to those of the first chamber, the *Chamber of Deputies*) has, since the nineteen-eighties, been remedied by the so-called Conference system, i.e. –as the name implies– a complex of intergovernmental collegial bodies, which should ensure functional coordination between the state, regions, and local authorities (Ceccherini, 2021). There is thus a Permanent Conference for relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano, known more simply as the State-Regions Conference, with representatives of the Government and the regional executives<sup>3</sup>; a State-Cities and local autonomies Conference, with representatives of Government and local authorities<sup>4</sup>; and finally, a Joint Conference, with representatives of all levels of government<sup>5</sup>. Although this system is not provided for

<sup>2</sup> To be more accurate, the Statutes of Valle d’Aosta, Trentino-Alto Adige, Sicily, and Sardinia were approved in 1948, while the one of Friuli-Venezia Giulia in 1963.

<sup>3</sup> The Conference is composed, in addition to the President of the Council of Ministers or the Minister for Regional Affairs, by the presidents of all the Italian Regions and the Autonomous Provinces. The ministers interested in the items on the agenda, representatives of administrations of the State and public bodies may be invited to participate in the work.

<sup>4</sup> The State-Cities and Local Autonomies Conference is chaired by the President of the Council of Ministers or by the Minister of the Interior or by the Minister for Regional Affairs and Self-Government in the matters of their respective competence. The other components for the Government are: the Minister of Economy and Finance; the Minister of Infrastructure and Sustainable Mobility; the Minister of Health. The components for the local autonomies are: the President of the National Association of Municipalities of Italy –ANCI; the President of the Union of Provinces of Italy– UPI; fourteen mayors designated by ANCI, of which five are representatives of metropolitan cities; six provincial presidents designated by the UPI.

<sup>5</sup> The Joint Conference is composed by the Minister of Economy and Finance, the Minister of Infrastructure, the Minister of Health, the President of the Conference of Regions and Autonomous Provinces, the President of ANCI, the President of UPI.

in the Italian Constitution, it has been consolidated over time and has long represented the only institutional forum for coordination between the different levels of government in the Italian system. These Conferences are all chaired by the Prime Minister or by a delegated Minister, tend to apply the unanimity rule to their work (even if with significant exceptions), and are involved in the state legislative process or in other relevant decision-making processes (e.g. coordination of state and regional planning), mainly on the basis of ad hoc provisions which require agreements or opinions on specific topics.

Alongside this system, which is institutionalised and governed by Legislative Decree No. 281 of 1997, there is an association under private law, the Conference of Regions and Autonomous Provinces, which is composed by all the President of Regions and Autonomous Provinces and chaired by a President elected unanimously (or by overall majority) within the Conference members. The responsibility of the Conference of Regions is the promotion of political coordination between the regions, and it acts as their informal representative to the government. Over time, and given the confidentiality of its work, this body has become the actual forum for political discussion and coordination with the central government. The Conference System has thus often been entrusted with the formal ratification and technical drafting of the political decisions reached through the Conference of Regions.

However, this model of regionalism –with the aforementioned exception of the special statute regions– was partially superseded with the reform of Title V of the Constitution in 2001, which aspired to mark a federalist (or quasi-federalist) shift to the Italian legal system. The reform overturned the system of division of legislative competencies, attributing to the central state a series of enumerated matters of exclusive competence, leaving instead the rest of the legislative powers to the regions (concurrent and residual powers). The supremacy clause was abolished, counterbalanced by the introduction of the Basic Levels of Services (LEP) and the powers of substitution under Article 120 of the reformed Constitution (Mainardis, 2007). The principles of subsidiarity and loyal cooperation were introduced, as well as constitutional regulation concerning the finance of the regions and local authorities which was aimed at overcoming dependence on the central state (Woelk, 2021; Martinico, 2021; Valdesalici, 2021). Also in this context, an attempt was made to create a forum for parliamentary coordination between the centre and the regions, by providing for the integration of regional representatives into the Bicameral Committee on Regional Affairs.

The evolution towards a federalist system was also strengthened, at the political level, by the reform of the so-called regional “form of government” (1999) (Fasone & Piccirilli, 2021, pp. 30-47) and, in particular, by the direct election of the Presidents of the Regions, who thus acquire a strong position of popular legitimacy (so much so that in journalistic language they are often improperly referred to as “governors”, recalling the American model).

However, this transformation of the regionalist model into a federalist one has not been fully achieved. In fact, to a significant extent, the constitutional reform has not been implemented at the legislative level: in particular, among other things, the major missed reform is the failure to implement the so-called “fiscal federalism” –which should have led to the overcoming of the system of derivative finance– and the failure to identify the Basic Levels of Services (LEP) (Antonini, 2016). The Bicameral Committee was not integrated, thus leaving the necessary coordination of policies between the centre and the territorial authorities to the Conference system. The new subdivision of legislative powers between the state and regions described above soon proved to be extremely unclear and complex, generating confusion and, above all, resulting in a wide-ranging constitutional litigation between the state and the regions. The Constitutional Court was thus forced to resolve many controversial issues, often arriving at elaborate complex conflict resolution mechanisms and reinterpreting the constitutional text in innovative ways, and often demonstrating a predisposition more favourable to the central state than to the positions of the autonomous regions (Delledonne, 2021).

The economic crisis of the late years of the first decade of the 2000s imposed a strong re-centralisation in order to pursue a spending review and for the purposes of rationalisation in the face of sovereign debt crises.

Against this backdrop of unfinished federalism, more recently (2017) attempts have been made by three northern Italian regions –Veneto, Lombardy and Emilia-Romagna, which represent the richest and most advanced part of the country– to obtain greater autonomy from the state. The model followed is that of so-called “differentiated regionalism”. The legal basis for this claim is Article 116, Paragraph 3 of the Italian Constitution –in the post-reform version of 2001– which allows the ordinary statute regions concerned to obtain “further forms of autonomy” by seeking an agreement with the state, in a manner that is to some extent similar to the relations between the state and special statute regions.

These requests provoked a great deal of criticism and met with opposition both in a section of Parliament and in a part of the regions, especially in the South. The latter feared that the northern regions wanted to hoard

resources in their territories to the detriment of the most socio-economically backward part of the country, in defiance of the fundamental principles of solidarity, equality and unity of the Italian Republic. The process of granting greater autonomy to Veneto, Lombardy and Emilia-Romagna has thus reached a temporary halt (Violini, 2021).

At this point, the pandemic broke out, severely straining the Italian model of multilevel governance. Many of the critical issues highlighted have reappeared in amplified terms, while some trends have been consolidated. The lack of clarity in the division of legislative competencies achieved by the 2001 reforms has once again emerged. Throughout 2020, there were disputes between the state and the regions concerning the management of the pandemic emergency. While the Italian state was exclusively responsible for international preventive measures (i.e. international prophylaxis), the regions claimed shared competence over health and civil protection (Delledonne & Padula, 2020). This was combined with the poor leadership capacity of the politically weak national government, which was opposed by the Presidents of the Regions (Pinelli, 2020). In addition to being endowed with a much stronger popular legitimacy, the presidents have gained considerable political power and media visibility, not least by virtue of the extensive ordinance-making powers granted by state emergency legislation (Boggero, 2020).

The poor ability of the state government to assume strong leadership and the difficulty of integrating different positions, together with the prominence of many regional presidents and, not infrequently, even that of mayors (who possess more limited powers of ordinance), have resulted in a rather diversified and changing response to the pandemic across Italy (Musella, 2020; Pignatelli, 2020). In this context, it became clear that the Conference System was not structurally adequate for ensuring the loyal cooperation that should characterise relations in a multilevel system. The State-Regions Conference has met on several occasions, with regard to issues that are not relevant to the management of the health emergency (Catelani, 2020; Di Cosimo, 2021; Cosulich, 2021).

On the other hand, the importance of the Conference of Regions and Autonomous Provinces –and, at times, even of its President– has become visible, and it has proved capable of acting as a “clearing house” between the regions and the central government’s main point of contact (Bin, 2021a; Falcon, 2021, pp. 9-10).

Despite a certain amount of media conflict between regional presidents and the central government, the management of the pandemic has nevertheless been conducted through a strenuous collaboration. This is despite the judgement of the Constitutional Court, in a 2021 ruling (No. 37 of 2021), which affirmed that it is the Italian state that holds exclusive legislative competence for the management of the pandemic (broadly interpreting its authority with regard to international prophylaxis) (Boggero, 2021). The substantive development of relations between the state and the regions during the pandemic, however, saw the regions play a leading role, if only for the simple fact that the national health system is essentially managed by the regions.

### **3. DRAFTING: SHADES OF CENTRALISM BETWEEN THE CONTE II AND DRAGHI GOVERNMENTS**

The adoption of the National Recovery and Resilience Plan (NRRP) fits into this scenario. The European institutions and the Regulation of the Recovery and Resilience Facility (Reg. (EU) 2021/241) recommended the involvement of all local and regional authorities in the development of National Recovery and Resilience Plans. Nevertheless, the participation of the regions (and local authorities) in the drafting of the Italian Plan and the construction of governance has proven completely marginal.

The first phase of drafting the Italian Plan was led by the Conte II Government, chaired by Prime Minister Giuseppe Conte, who was one of the key proponents of the European agreement on the *Next Generation EU*, of which the *Recovery and Resilience Facility* is the main pillar<sup>6</sup>.

A first preliminary drafting phase for the Plan had already been started in the spring of 2020, when the Conte Government appointed a “Committee of experts in economic and social matters” to draw up proposals for a generic “Country Relaunch Plan”, collecting proposals from companies, civil associations and organisations (Manzetti, 2021, pp. 132-133).

Following this preliminary phase, the actual drafting of the Plan began.

In continuity with the approach adopted by the Conte II Government during the pandemic, dialogue with the Regions is conducted not through the system of conferences –which are never convened on the theme of

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<sup>6</sup> On the design of the Next Generation EU and the fundamental role played by the Italian government in the making of the agreement between the parties, see Bressanelli & Quaglia, 2021.

the NRRP— but through the Conference of Regions. Just as during the pandemic the Government's measures were discussed with the Conference or its President—according to a scheme that received express legislative recognition (i.e. Decree-Law No. 6 of 2020 and 19 of 2020)— so during the first phase of drafting the Plan at least five meetings are held with the Conference (Baldi & Profeti, 2021, p. 436).

At this stage, the forum chosen by the Government for drawing up the Plan is the *Interministerial Committee for European Affairs* (CIAE). The participation of the regions in the work of the Interministerial Committee, in line with the pandemic experience, is ensured by the involvement of the President of the Conference of the Regions. This Conference remains the primary venue for communications by the Government on the progress of planning and to present the project proposals that the regions intend to submit to the Government.

As for the proposals for regional initiatives, in August 2020 there was, again at the Conference of the Regions, an attempt to achieve coordination between the different regions (Conferenza delle Regioni e delle Province autonome, 2020a). However, probably due to the lack of clarity in the governmental approach to the work and how regional proposals are collected, the regional initiatives were extremely heterogeneous. Some regions presented a sort of Regional Recovery and Resilience Plan (Veneto, Piedmont, Abruzzo, Umbria); others listed a series of projects gathering the multiple territorial requests (but arriving at even higher investments than the entire Italian share of the Recovery and Resilience Facility, the RRF); still others presented integrated plans for the different European derived resources (e.g. Basilicata) (Baldi & Profeti, 2021, pp. 441-444; Barbieri et al., 2021).

In any case, the participation of the regions as described above was, on the basis of the facts, completely insufficient and purely formal. The regions were not adequately informed or involved in the development of the contents of the Plan, which was carried out within the individual competent Ministries, with minimal transparency. The ministries then sent their projects to the Interministerial Committee, again without dialogue with the regions. Moreover, the government did not clarify how the autonomous regions would be involved, nor do the latter appear to be included in the governance that the Conte II government was beginning to outline for the Plan. In particular, no role was foreseen within the Steering Committee that would oversee its implementation.

The requests for greater clarity and inclusion made by the regions through the Conference were not accepted. This triggered a political conflict between the regions and the government, which was politically weakened by the conflicts that had in the meantime arisen within its parliamentary majority, which largely concerned the Plan and its governance (Guidi & Moschella, 2021, pp. 405-406). The regions denounced the centralisation of the Plan drafting process and got a meeting with the government, which, however, never took place due to the ignition of the government crisis in January 2021 (Conferenza delle Regioni e delle Province autonome, 2021a).

Following unsuccessful attempts to resolve the crisis and form a new parliamentary majority, President Conte resigned. The President of the Republic, therefore, appointed Mario Draghi as the new Prime Minister. Draghi—able to count on a very large parliamentary majority— has focused his government programme on the timely conclusion of the drafting of the Plan and its correct and effective implementation.

As the most attentive scholars have observed (Baldi & Profeti, 2021, pp. 435-441), the transition from the Conte II government to the Draghi government, led to a change in the approach to relations with the regions. The Conference of the Regions lost its previously leading role as a political hub. The forum chosen for liaising with the territorial autonomies was once again the more institutional one of the Unified Conference, in which, however, there was no real involvement of regions and local authorities in the drafting of the Plan: the government merely informed local authorities on the progress of the projects carried out by the Ministries.

After a series of brief communications from the Ministers regarding their projects, the Plan was, therefore, not presented to the Unified Conference until 28 April 2021, just two days before the deadline for submission to the European Commission.

#### **4. GOVERNANCE: REGIONS AND LOCAL AUTHORITIES PRESENT, BUT IRRELEVANT**

At first, the governance of the Plan was not defined by the Draghi government. In fact, it was not until Decree-Law of 31 May 2021, No. 77—converted with amendments by Law No. 108 of 2021—that the summary guidelines contained in the Plan itself and the 2021 Budget Law were integrated and completed. The regions and local authorities, which remained essentially on the sidelines during the drafting phase, seem—at least on paper—to regain a role in the management of the Plan.

Decree-Law No. 77 introduces significant innovations in the organisation of the Government –although mostly limited in time to the duration of the Plan (i.e. until 31 December 2026)– and differs from the structure envisaged by the Conte II Government. The latter envisaged, alongside a three-person Steering Committee (composed of the Prime Minister, the Minister of Economy and the Minister of Economic Development), six manager-commissioners (one for each mission of the Plan) and a specific task force of experts. The scope of involvement of the territorial autonomies in this structure was very small.

The solution adopted by the Draghi Government is instead based on the existing ministerial apparatus, introducing new subjects with the main purposes of support and coordination (Clarich, 2021, p. 12), in which there is room for the involvement of the territorial autonomies.

Responsibility for political and administrative policy in the governance of the Draghi Government is assigned to the Presidency of the Council of Ministers, in which the “Steering Committee” of the NRRP is established (Costantino, 2021). The Steering Committee, chaired by the Prime Minister himself, is characterised as being a body with “variable geometry”, in that it is composed from time to time of the ministers and under-secretaries who are “competent according to the issues addressed in each session”.

The connection with local and regional authorities is ensured by the direct participation of the Presidents of the Regions or Autonomous Provinces or, where more than one authority is involved, by the participation of the President of the Conference of Regions and Autonomous Provinces. In such cases, the involvement of the Minister of Regional Affairs and Autonomies, who can preside over the Steering Committee on behalf of the Prime Minister, is in any case envisaged.

In this context, there appears to be a revival of direct relations with the regional executives and the Conference of Regions that have already previously been attempted. However, the participation of the Regional Presidents or the President of the Conference is not permanent, but limited only to meetings in which matters within their competence are dealt with, and the regions have been called to participate only once in the few meetings held so far (Governo Italiano, 2021).

By virtue of an amendment inserted during the conversion of the Decree-Law, the possibility of participation in the Steering Committee was also extended to representatives of local authorities (President of the National Confederation of Local Authorities, ANCI, and the Union of the Provinces of Italy, UPI), if matters of local interest are being examined. Although this amendment rightly considers the significant role played by local authorities in the implementation of the Plan, it also tends to equate their institutional role with that of the regions, thus devaluing the latter’s different constitutional role.

The Steering Committee thus constituted represents the leading structure for guiding, directing and coordinating the implementation of the measures of the NRRP. In addition to providing periodic information to the Parliament, the Unified Conference and the Council of Ministers on the progress of the Plan, the Steering Committee is called upon –among other things– to examine the critical issues that have emerged during the implementation phase, monitor the envisaged regulatory interventions and coordinate the various territorial levels involved<sup>7</sup>.

To support the activities of the Steering Committee, a Technical Secretariat was established at the Presidency of the Council of Ministers, this being a technical body “whose temporary duration is longer than that of the Government that establishes it and will last until the completion of the NRRP, and in any case not beyond 31 December 2026”. In addition to its important groundwork, the Secretariat provides information to the Steering Committee and the Prime Minister. It is also the point of contact with the technical structures responsible for monitoring the implementation of the NRRP and, in particular, with the so-called “Central Service” at the Ministry of the Economy and Finance (MEF<sup>8</sup>). The fundamental monitoring and reporting activity of the Plan is entrusted to the Ministry of Economy and Finance. The State General Accounting Department established the aforementioned Central Service for the NRRP, a central office at the leadership level which is responsible for the coordination, monitoring, reporting, and control of the NRRP and which represents the national contact point with the European Commission. The Central Service coordinates with the mission unit established at the MEF by the 2021 Budget Law. It is envisaged that all central departments will have a mission unit that will

<sup>7</sup> This does not affect the functions of the two bodies that are fundamental to the implementation of the Plan, i.e. the Interministerial Committee for Digital Transformation and the Interministerial Committee for the Ecological Transition (established by Decree-Law No. 22 of 2021), to which the President of the Conference of the Regions or the Regional Presidents are admitted, always on the basis of the subject matter dealt with.

<sup>8</sup> Also this structure is temporary, as well as all the other structures established by the Decree-Law No. 77 of 2021 for the implementation of the NRRP (except for the Permanent Table).

coordinate, monitor, report and control the related implementation activities and that will represent the contact point of the different departments with the Central Service.

The same Decree-Law No. 77 of 2021 establishes a “Permanent Table for Economic, Social and Territorial Partnership” to advise both the Steering Committee and the aforementioned Central Service. It is composed of “representatives of the social partners, the Government, the Regions, the Autonomous Provinces of Trento and Bolzano, local authorities and their respective associative bodies, including those of the Metropolitan City of Rome Capital, economic and social groups, the university and research system and civil society, as well as active citizenship organisations”. Here too, therefore, the territorial autonomies are involved, but only on an advisory basis and without any specific role distinguishing them from the other stakeholders present.

Where the state functions of programming and implementing the investments provided for in the NRRP and in the funds complementary to the NRRP require coordination with the exercise of the powers constitutionally assigned to the regions, the Autonomous Provinces of Trento and Bolzano and the local authorities, the Minister of Regional Affairs and Autonomies shall also attend meetings of the Steering Committee<sup>9</sup>. In this way, at the instigation of these bodies, the necessary initiatives for coordination between different levels of government may be promoted, including within the State-Regions Conference and the Unified Conference. In this context, therefore, there is a recovery of the more traditional functions of the Conference system, which may be understood as technical coordination and the implementation of the constitutional principle of loyal cooperation.

On the whole, although the presence of the regions and the local authorities is abstractly envisaged in various fora (the Steering Committee, the Permanent Table), the actual capacity to influence the main decisions of the Plan appears to be very limited. So far, the Steering Committee has not played the significant role in the implementation of the Plan that it seemed to have when it was established. There have only been two meetings (7 October 2021 and 21 December 2021) and the regions and other local authorities have been involved only in the second meeting, without appropriate prior information on the items on the agenda and without sharing in advance the report presented. A similarly disappointing result has been achieved by the Permanent Table, which does not seem to have the ability to significantly affect the contents and resolutions connected to the Plan.

The perception by the regions of their marginalisation in the governance of the NRRP has therefore prompted them to push for greater involvement, and, eventually, their coordinated political pressure did not fail to result in some consequences at the institutional level. Firstly, due to the intervention of the Minister of Regional Affairs and Autonomies, informal “technical tables” were established for permanent discussion between the ministries, the regions and the local autonomous authorities at the Department for Regional Affairs and Autonomies of the Presidency of the Council of Ministers. These round tables aim to ensure that the content of the interventions envisaged in the NRRP is shared and to define the methods for implementing them with the involvement of local authorities. Subsequently, these opportunities for discussion were made possible by the official establishment at the Department for Regional Affairs and Autonomies of the Presidency of the Council of Ministers of the “Unit for the coordination of recovery and resilience initiatives between the state, the regions and the Autonomous Provinces of Trento and Bolzano” (Article 33 of Decree-Law No. 152 of 2021, converted with amendments by Law No. 233 of 2021). The purpose of this Unit is to guarantee the connection between the state administrations responsible for the Plan’s operations and the regional and local authorities. The Unit has, like the other structures, a limited duration until 31 December 2026 and its role is to take care of the preliminary investigation of the technical tables for sectoral comparison with the local authorities and to provide assistance to local authorities with particular reference to small municipalities, island municipalities and municipalities in mountain areas (Conferenza delle Regioni e delle Province autonome, 2021b).

However, the most relevant and interesting aspect is the provision whereby the regions and autonomous provinces may draw up a “flagship project”, i.e. an initiative of particular strategic importance for their regions. This project must be consistent with the lines of intervention envisaged by the NRRP and the local authorities will be able to call on the support of the Unit for its preparation (Di Martino, 2021).

In this way, the regions and autonomous provinces seem to have therefore managed to carve out an autonomous space in the conception and identification of a specific project –something that seemed to be precluded given their lack of participation in the drafting of the Plan. Moreover, it is also interesting to note how the main project is drawn up, it being essentially left to a technical discussion (and perhaps “negotia-

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<sup>9</sup> And those of the Interministerial Committees for Ecological Transition and the Digital Transformation (see *supra* note 7).

tion”) on a bilateral level between the individual region or autonomous province and the government (or more correctly, the Ministry for Regional Affairs and Autonomies.) At present, however, it is difficult to assess what effect these initiatives will have on overall NRRP investment.

## **5. IMPLEMENTATION: ADMINISTRATIVE CAPACITY, POWERS OF SUBSTITUTION AND “TERRITORIAL ALLOCATION”**

The challenges for the Italian administration posed by the implementation of the Plan are manifold, and they range from the need to simplify procedures and contracts for the implementation of the operations, the rationalisation of the regulatory framework, the strengthening of administrative capacity, and the provision of tools to ensure that any delays and obstacles to decision making are overcome promptly.

In the matter of simplification, alongside the adoption of several measures by the Government (for example, Decree-Law No. 77 of 2021), a Unit for the Rationalisation and Improvement of Regulatory Efficacy has been set up at the Department for Legal and Legislative Affairs of the Presidency of the Council of Ministers (DAGL), with a duration to equal that of the Plan. This Unit is called upon to work in conjunction with a working group on Regulatory Impact Analysis (AIR) operating within the Presidency of the Council, to identify regulatory obstacles to the implementation of the Plan and propose the appropriate corrective measures, developing a programme of priority actions and promoting initiatives for regulatory experimentation. The activities of the Unit appear to be partly complementary and partly overlapping with those of another technical body, the Unit for the Simplification and Quality of Regulation (set up in 2006), which is required to work in coordination with the Office for the Simplification of the Department for Public Administration. The tasks of the Unit for the Rationalisation and Improvement of Regulatory Efficacy are essentially aimed at the regulatory side, whereas the Unit for the Simplification and Quality of Regulation seems to be more concerned with administration. It must promote and coordinate measures to strengthen administrative capacity, “re-engineer” procedures and simplify (regulatory and technological) procedures.

With local and regional autonomy, the greatest difficulties for the implementation of the NRRP stem above all from the limited administrative capacity of the regions and local authorities, which often translates into a weak spending capacity (Polverari, 2020). In this respect, there is a considerable gap between the regions and authorities of the Centre-North and those of the South and the Islands. The latter have already experienced great difficulties in the past in spending and reporting on European cohesion funds. There is also a clear gap in administrative capacity between large and medium-sized municipalities and small and very small municipalities, especially in the South and internal areas.

On the other hand, the entire Italian administrative machine suffers from reduced operational capacity. This situation is the result of years of “spending review” and a freeze on turnover, brought about by the need to tackle the economic crisis of the 2000s. The Italian administration –both state and regional and local authorities– is preparing to face the implementation of the NRRP in difficult conditions. Not only is it undersized compared to the actual requirements, but the current staff are on average among the oldest in Europe and often do not possess adequate or sufficiently up-to-date skills and training for the complexity of the interventions foreseen by the NRRP.

Aware of this situation, the Government has attempted to take action by adopting –among other initiatives– Decree-Law No. 80 of 2021 (converted by Decree-Law No. 113 of 2021 and partially amended by Decree-Law No. 152 of 2021), which provides for measures aimed at “strengthening the administrative capacity of public administrations functional to the implementation of the NRRP and for the efficiency of justice”. In particular, the Decree-Law introduces derogations from certain contractual constraints on public expenditure imposed by current legislation; forms of incentives for new hires, who are mainly recruited on fixed-term employment contracts (only 4.5% are on open-ended contracts), with a maximum duration limited to the NRRP; new recruitment methods to reduce the time needed to make selections and ensure that needs are met. Overall, the recruitment resulting from Decree-Law No. 80 of 2021 is expected to be over 27,000 heads, of which approximately 90% is destined to the central government bodies (Ufficio Parlamentare di Bilancio, 2021).

However, local authorities have also highlighted the need for action to fill the lack of some technical skills and respond to the staffing requirements related to the implementation of the NRRP. Overall, more than 3,000 units are expected to be hired. To support the administrative procedures related to the implementation of the NRRP, the recruitment of a minimum of 1,000 units is foreseen for the Regions, to be recruited from among professionals and experts according to simplified procedures. An additional 2,000 units are earmarked for the southern regions, as a result of a competition that is specifically designed to strengthen the administrati-

ve capacity of the state administration of the South (the so-called Cohesion Competition for the South). On the other hand, as far as the municipalities are concerned, Decree-Law No. 152 of 2021 has expanded the ability to hire personnel. New recruitment is planned for the municipalities that carry out NRRP interventions, the establishment of a fund for small municipalities and the allocation of 67 million for the recruitment of professionals and experts to the municipalities of Southern Italy. In addition, to make up for the shortage of municipal and provincial secretaries –a key figure in the administrative management of local authorities– a new competition has been launched after many years of deadlock.

However, these attempts to rapidly strengthen the administrative capacity and, therefore, the capacity to spend and implement the NRRP investments and projects, do not guarantee that all the administrations are equally capable of the correct and timely implementation of the provisions of the Plan.

To this end, Decree-Law No. 77 of 2021 also regulates specific powers of substitution to both state administrations and local authorities.

More precisely, Article 12 provides that “in the event of failure by the regions, the autonomous provinces of Trento and Bolzano, metropolitan cities, provinces and municipalities to comply with the obligations and commitments aimed at implementing the NRRP and undertaken in their capacity as implementing bodies” powers of substitution may be activated.

The initiative is entrusted to the Prime Minister, who, on the proposal of the Steering Committee or the competent minister, assigns to the implementing body concerned a compliance deadline, which may not exceed thirty days. In the event of continued inactivity, on the proposal of the Prime Minister or that of the competent minister, after consulting the implementing entity, the Council of Ministers shall identify another subject which shall, in substitution, be granted the power to adopt the necessary acts or measures. The possibility of appointing commissioners is envisaged.

The provision of these powers has been criticised by jurists, who consider it “excessively general” and too broad, as Article 12 refers to breaches “consisting also of the failure to adopt acts and measures necessary for the launch of the Plan’s projects, or in the delay, inertia or deviation in the execution of the projects” (Trapani, 2021, pp. 189-192; Di Martino, 2021, pp. 952-954). It has even been argued that there is a restoration of the national interest supremacy clause, which was abolished by the 2001 reform (Trapani, 2021, p. 191).

However, it is not possible to agree on this point. Although it is the same Decree-Law No. 77 of 2021 that refers to “a national interest in the prompt and timely implementation of interventions”, the legislative discipline does not appear to conflict either with the constitutional text (in particular, Articles 117, Paragraph 5, and 120, Paragraph 2, of the Constitution) or with the limitations that the Constitutional Court over time has imposed through its case-law for the exercise of these powers of substitution (Falcon, 2018, pp. 276-277).

The powers of substitution for the NRRP are regulated by law (Decree-Law No. 77 of 2021); they are activated only in the event of persistent inertia and for non-discretionary acts (the measures already set out by the NRRP); they respect the principles of subsidiarity and loyal cooperation. In particular, it is envisaged that the Minister of Regional Affairs and Autonomies may promote “appropriate strengthening and coordination initiatives” within the State-Regions Conference or the Unified Conference.

Moreover, the text of Article 12 is very precise in highlighting, as a condition for the activation of such powers, the fact that “the achievement of the intermediate and final objectives of the NRRP is jeopardised”: this is not only a matter of respecting the fulfilment of the obligations assumed at the European level but also of preventing the instance in which the failure to achieve the targets set by the NRRP may result in the lack of transfer to Italy of the resources provided for by Next Generation EU. As is known, these resources (loans and grants) are allocated to the beneficiary States progressively based on the positive assessment of the satisfactory achievement of their intermediate and final targets. There is therefore no return of the supremacy clause, but the protection of “unitary interests” for the timely implementation of the Plan, as provided for by the Constitution (Article 120, Paragraph 2 of the Constitution) and constitutional jurisprudence.

Another characteristic element of the Plan’s implementation at the territorial level is the need to promote territorial cohesion, thanks to the considerable availability of resources, and to bridge the socio-economic gap between North and South.

On the other hand, it has been stressed that the exceptional scope of resources allocated to Italy –the first beneficiary of the Recovery and Resilience Facility (RRF) in absolute terms– is to a large extent linked to the objectively difficult conditions in Southern Italy (Sernia, 2021; Monti, 2021). This thesis has been espoused by the Prime Minister himself, Mario Draghi (Draghi, 2021). Moreover, the same European Regulation 2021/241 states that the purpose of the Recovery and Resilience Facility is to “promote the economic, social and territorial cohesion of the Union”.

However, the first draft of the NRRP –the one drawn up by the Conte II Government– seemed to allocate only 34 % of the resources to the southern regions. A political and media campaign has therefore launched, led by a coalition of the southern regions, aimed at ensuring the maximisation of the allocation of RRF funds to the South (Conferenza delle Regioni e delle Province autonome, 2020b). Even authoritative study and research organisations (e.g. SVIMEZ, 2021) have taken a stand in this regard. With the advent of the Draghi Government, this lobbying initiative was successful, resulting in a 40 % increase in the resources allocated to the South in the final NRRP (a percentage reminiscent of the constraint imposed by law in the 1950s on public companies to direct 40 % of their technical fixed assets and 60 % of new investments to the southern regions; see Law No. 634 of 1957).

This recognition, first achieved on the political level, was then definitively formalised on the legislative level by Decree-Law No. 77 of 2021. Article 2 provides that the bodies implementing the NRRP interventions “shall ensure that (...) at least 40 % of the resources that can be allocated territorially (...) are allocated to the regions of the *Mezzogiorno*”. Compliance with this criterion for the distribution of funds is monitored by the Department for Cohesion Policies of the Presidency of the Council of Ministers. In the event of a deviation, the Department activates the Steering Committee, which takes the necessary corrective measures and proposes possible compensatory measures.

So far, concerning the calls for tenders for the allocation of NRRP investment resources to local authorities, the 40 % territorial constraint has been implemented in different ways. In some cases, there has been a national ranking list with a 40 % reserve; in others, rankings by macro-areas with a limit determined based on territorial constraint; finally, there have been cases of regional rankings with a limit determined on the basis of the primary objective. As noted by the Parliamentary Budget Office, all these criteria have limitations (Ufficio Parlamentare di Bilancio, 2022). The first criterion implies that projects with a lower score, located in the *Mezzogiorno*, are favoured over those that precede them, thus leading to a reordering of the ranking list. The second implies that the macro-areas with the greatest infrastructural shortcomings are constrained by the exhaustion of the pre-established amount. Finally, the third criterion does not necessarily guarantee compliance with the territorial constraint, just as the effects on the achievement of the goal is uncertain.

These problems, together with the historical difficulty of the southern administrations in making timely investments and spending resources effectively, have rekindled the contrasts between the northern and southern regions and their local authorities. Conflicts relating to this North-South axis had already emerged some years ago when Lombardy, Veneto and Emilia-Romagna requested greater autonomy. In this case, it is the local authorities of the South that are demanding greater planning and spending capacity. In the context of this debate, the Mayor of Milan has even requested that the remaining resources be allocated to his city, “if it is realistically not possible to guarantee the possibility of investing within the correct timeframe”, thus reigniting the political conflict on a territorial basis (Grassi, 2022).

## 6. CONCLUSIONS: WHAT TRAJECTORY FOR ITALIAN REGIONALISM DURING THE NRRP?

To draw some provisional conclusions from the analysis of the three salient issues of the Italian NRRP –drafting, governance, and implementation– the following observations can be made.

The first essential element is the marginalisation of the regions and local authorities in the decision-making chain, both in the phase that led to the definition of the Plan’s contents and its implementation (Baldi & Profeti, 2021).

In the preparatory phase of the NRRP, a justification can be found for this marginalisation in the extremely tight timeframes that are imposed for the sending of the Plan to Brussels. The crisis of the Conte II Government and the changeover to the new Draghi Government has further restricted the scope for discussion with the regions. The impression remains, however, that the necessary dialogue with local and regional authorities –initially entrusted to the Conference of the Regions– has been conditioned by the excessively informal venue, and has not been able to guarantee adequate consideration of regional proposals. This once again raises the age-old problem of providing a stable and solid institutional forum for multilevel territorial dialogue.

In the development of policies and investments that largely affect matters of regional competence, the regions have therefore been unable to wield influence and have been forced to accept the policy lines decided by the central government. However, this should at least imply a restoration of regional involvement in the implementation phase. Nevertheless, the involvement of the regions is too weak and is limited to the bare constitutional minimum.

A second significant element is that regions and local authorities are on an essentially equal footing, both in the drafting and management phases of the Plan and in its implementation. In this context, the government and the legislation governing the Plan deal with local authorities from a European and not a constitutional perspective. Regions and local authorities are equal “implementing parties” of investments and interventions planned in the NRRP and as such has been involved in governance. The political autonomy of the regions is *de facto* precluded in the context of the NRRP, except for the constitutionally necessary involvement of the State-Regions Conference in legislative reforms affecting regional matters. In all other cases, the role of the regions is essentially administrative. This is nothing new in Italian regionalism: for some time, the regions have been configured more as administrative than legislative bodies (Bin, 2021a; Bin, 2021b; Mainardis, 2021). In some sectors, they perform particularly important tasks on this level: consider the management of the Italian National Health System. The removal of the political dimension of the regions, therefore, confirms and reinforces this trend.

A third element that seems to be emerging is the resurgence of conflicts between local authorities on the North-South axis. If, before the pandemic, this conflict was caused by the demands for greater autonomy by the richest regions (so-called “differentiated regionalism”), now the clash concerns the allocation of NRRP resources. The first signs of this conflict became evident when the southern regions called for more funds for the *Mezzogiorno*. Yet it is also an issue that is likely to soon recur, should delays or inefficiencies emerge in the implementation of the NRRP by those territories that have previously demonstrated poor spending capacity. Naturally, the stakes are particularly high in this clash, because the resources are huge, and the failure to implement the Plan risks penalising the entire country.

However, the resurgence of a North-South clash risk even further penalisation of the regions, which have shown that they can only defend their prerogatives when they have been able to present a united front against the central government. In this sense, the confrontation that took place between the regions with the government at the most critical periods of the pandemic is instructive. On several occasions, the regions have been able to work together and achieve a hearing from the government. Especially in this phase of the country’s reform and revival, the regions will therefore have to recover the ability to achieve a synthesis of the various positions to counterbalance the political strength and centralism of the Draghi Government.

The three observations just made seem to orient the trajectory of Italian regionalism towards a new centralism, at least until 2026.

However, it is precisely the Plan’s investments and reforms that could open up new prospects for Italy’s territorial autonomies. Firstly, the territorial gap between North and South and with the internal areas, which has always been a real impediment to the development of the autonomy of these territories, could finally be bridged. Secondly, the strengthening of the administrative capacity of regional and local public administrations could provide the technical support needed to develop genuinely regional and local policies (Lupo, 2022, pp. xi-xii). Finally, two important reforms are in the process of being approved: on the one hand, the so-called “fiscal federalism”, the deadline for implementation of which is set in the NRRP in March 2026; on the other, the path of differentiated regionalism (which was for some time at a standstill) has been resumed by the Minister for Regional Affairs and Autonomies. If these two paths of reform were to be successfully concluded, a new phase of greater autonomy for Italian regionalism would finally begin. In fact, it would overcome the system of derived finance that has severely limited the autonomy of local authorities throughout the period of the Republic, and the asymmetry that is already present in the system of autonomies would be accentuated, allowing for the greater development of the autonomy of some ordinary statute regions alongside those with special statute (Rivosecchi, 2022).

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