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The Constitutional Dimension of Interregional Cooperation in Europe with Reference to Italy

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Abstract

This essay is an introductory comparative study about the facts and available norms of interregional cooperation in Europe with the focus on Italy legal system. Cross-border cooperation is a concerted process of building neighborly relationships between local stakeholders and authorities on either side of a border, with a view to overcoming such problems and fostering harmonious development of neighboring communities. Its success should be built on clear concrete objectives and the willingness to cooperate. Cross-border co-operation does not entail conveying additional powers to border communities or authorities. Rather it is an efficient way for exercising local authority powers. Through cross- border co-operation, communities located in border areas may seek to promote the socio- economic development of the border area, develop economies of scale to provide better services and widen cultural perspectives. Therefore, the capacities of Europe legal documents and programs in recent twenty years and last version of Italy constitutional law will be analysed .The main findings could be abstracted in 1.Interregional cooperation and European integration; 2.The normative and jurisprudential context for the international cooperation of the Italian Regions; 3. (Italian) Regions and Euro-Mediterranean partnership;4. Requirements of Italy Constitutional Law for Interregional Cooperation.

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Introduction

It is essential for non-European readers of this article to understand the main principles, values, and purposes of the European Union, as well as Italy's constitutional law as a member state. For people from the Middle East, Africa, South America, or even a lawyer from Iran, China, or Russia, it might be ambiguous to understand the relationship between "independence and integrity of a nation-state" and "interregional cooperation". In the context of non-European countries, there are national governments without local states or independent regional bodies, with all national and cross-border policies determined by a central government. But in the EU, the situation is different.

In accordance with EU treaties, while member states maintain their national identity, they also confer part of their independence to the united Europe as a recognized entity. Therefore, EU members are required to interact with each other. One of these interactions is interregional cooperation**.** The twofold national and international character of this present essay results in the consideration of both mentioned requirements of the subject. On the one hand, the requirements of EU treaties on interregional deals in the Italian legal system; on the other hand, Italy's national legal capacities for interregional cooperation with respect for integrity will be considered.

1. The Nature and Role of Regions in EU Member States

This essay examines the involvement of self-governing sub-national and regional actors in the law and policy-making of the European Union. State power is exercised today within the complex institutional environment of the EU. But what are regions and sub-national actors? Are their interests adequately represented? Can they advance their interests, or can they at least protect them from unwitting or calculated damage? This essay surveys the broad questions of law and political science and investigates the contribution of the EU's Committee of the Regions and also 'bottom-up' initiatives launched by the regions themselves. Given that much regional autonomy has been hard-won, one would suppose that the centralizing influence stemming from the EU's intrusion into the domestic settlement would be treated with extreme caution by the regions. Moreover, among the member states there is great diversity in the patterns of political organization adopted to cope with the tension between the centralization of power and respect for local autonomy[1]. There are programs for the promotion of interregional cooperation in the EU, as follows:

1.1. Interreg Spain-Portugal (POCTEP)

There are EU funding programs that support interregional cooperation by bringing together organizations from across Europe and beyond to boost economic growth, strengthen regional cohesion, and promote environmental protection and sustainable development.[2] One of these programs is named POCTEP, the Spain-Portugal cross-border cooperation program. This

1 See: Stephen Weatherill and Ulf Bernitz (eds), *The Role of Regions and Sub-National Actors in Europe* (Hart Publishing 2005).

2 Interreg, 'Interreg' <https://interreg.eu> accessed 11 June 2026.

border is the oldest and longest in the EU and contains the EU's largest cross-border initiative, supporting sustainable development across areas such as innovation, energy, biodiversity, employment, education, healthcare, tourism, and culture.[1]

1.2. Cross-Border Cooperation (CBC)

Cross-border cooperation is a concerted process of building neighborly relationships between local stakeholders and authorities on either side of a border, with a view to overcoming such problems and fostering harmonious development of neighboring communities. Its success should be built on clear, concrete objectives and the willingness to cooperate.

Cross-border co-operation does not entail conveying additional powers to border communities or authorities. Rather, it is an efficient way of exercising local authority powers. Through cross-border co-operation, communities in border areas may seek to promote socio-economic development of the border area, develop economies of scale to provide better services, and broaden cultural perspectives.[2]

1.3. European Destinations of Excellence (EDEN)

It is with Europe's citizens in mind that the ministers responsible for local and regional government of the 47 member States of the Council of Europe launched in 2009 a major survey of difficulties and obstacles that hamper cooperation across the borders and agreed in 2011 to further develop their cooperation with a view to reducing or removing those obstacles.

With the help of ISIG of Gorizia (Italy), the data collected through a series of data collection tools (in 2009 and in 2014 and yearly since 2017) have been systematized and organized in such a way as to enable all actors of cross-border cooperation to find examples that correspond to their situation and solutions that may help them to adopt a response to their needs[3].

1.4. Inter-Municipal Cooperation (IMC)

Inter-Municipal Cooperation occurs when two or more Municipalities agree to work together on assigned tasks to achieve mutual benefits. IMC implies a relationship between two or several local authorities (i.e., entities in the first level of territorial administration) having a status of legal persons, endowed with competences, powers and resources in accordance with the European Charter of Local Self-Government. IMC is the result of a deliberate decision and not just the mechanical implementation of a legal provision. Agreement is voluntary rather than imposed by law, although the law may sometimes strongly encourage or even require municipalities to seek co-operative solutions.[4]

1 Interreg, 'Spain–Portugal (POCTEP)', <https://interreg.eu/programs/spain-portugal-pocep/> accessed 11 June 2026.
2 E-DEN Platform, 'Cross-Border Cooperation (CBC)' <https://edenplatform.org/cross-border-cooperation-cbc/> accessed 11 June 2026.
3 E-DEN Platform, 'E-DEN – From E-Database Empowering Networks to Good Governance Platform'.
4 E-DEN Platform, 'Inter-Municipal Cooperation (IMC)' <https://edenplatform.org/inter-municipal-cooperation-imc/> accessed 11 June 2026.

2. Interregional Cooperation and European Integration

Within the research carried out on the development of across-the-border interregional cooperation, particularly that regarding the relationships between the Countries lying along the Mediterranean basin, we will focus our attention on the theme of the possible consequences, from an internal constitutional point of view, of the creation and consolidation of a new space of political autonomy for territorial bodies on the whole. We must, above all, start from the context in which interregional cooperation is developing at the European and internal levels. The European political system, since its birth, has been substantially indifferent to the internal territorial aggregations within the member States, so that it has been said to be affected by the so-called regional blindness (*landesblindheit*), also defined as marginalization, estrangement, indifference. These expressions are based on the same assumption that the European government builds its own bodies and procedures, taking into consideration solely the central levels of government, which are surely better suited to manage security levels. Territorial bodies have more and more claimed their right to intervene in the European *decision – making*; at the same time, they have tried to develop those ways of trans-national collaboration which would have allowed them to take the utmost advantage of the development opportunities offered by structural Funds and the European Community projects promoted within the cohesion policy. From this point of view, being already of a bi-dimensional kind, the doctrine has sought to study in greater depth any possible emerging interference between sub-state groupings, the central powers, and the consequent internal constitutional issues.[1]

The question of local communities has been gaining increasing importance, up to the age of the Europe of Regions, initiated by the Maastricht Treaty. Thanks to it, an acknowledgment by agreement of the internal territorial groupings within member States is achieved through the establishment of the European Committee of the Regions (COR) in 1994. It is located in Brussels (Belgium). It is an advisory body composed of locally and regionally elected representatives coming from all 27 member states. Through the COR, they are able to share their opinions on EU legislation that directly affects regions and cities.[2] This research is motivated by the principles of subsidiarity, partnership, and complementarity, examining both within individual States and at the European level the various ways local authorities are involved in the decision-making processes of the European Community, as well as the strengthening of cross-border interregional cooperation.[3]

The doctrine unanimously agrees that the geometry of the common European house has been strengthened: an *à la carte* Community, characterized by an institutional model no longer ordered by the traditional administrative criteria of direction and hierarchy, but by those of flexibility and agreement. Bureaucratic structures interact more and more freely,

1 On the juridical aspects of this question see F. Pizzetti, *Le Autonomie locali e l'Europa*, in *Le Regioni*, 2002 (vl. 3), p. 935 ss; G. ROLLA, *Il principio unitario nei sistemi costituzionali a più livelli,* in *Le Regioni,* 2003, p. 703 and the following; COMITATO DELLE REGIONI, *Procedure per la partecipazione delle autorità regionali e locali al processo europeo di policy making nei vari Stati membri*, Lussemburgo : Ufficio delle pubblicazioni ufficiali delle Comunità Europee, 2005.

2 See: Committee of the Regions <https://cor.europa.eu> accessed 11 June 2026.

3 MR Allegri, 'Cooperazione transnazionale fra enti sub statali: dalla Convenzione di Madrid al GECT' (2009) 2 Le Regioni 5.

and their competences become more and more fragmented and are differently assigned: national and European Community offices function as distribution centers of a wide trans-national network, expression of a European Community polyarchy[1], which seems to manifest even at the level of security. Interregional collaboration has the function of helping regions to overcome common questions together, excluding any top-managed and authoritarian interventions, in favour of decision-making processes based on reciprocity and agreement. Territorial groupings within member States tend then to break loose from national States, acting as *partners* within the European panorama of security.

What specifically interests this segment of research are possible developments in interregional cooperation; the relationships between macro- and micro-regional areas, whether or not included in the European Union, are also to be considered. In this way, elements of homogeneity or reciprocal interest are emphasized, and, being part of a network, not only function as potential drivers of social and economic growth, but also as possible means of managing internal and international security. Starting from the European framework Convention on the across-the-border cooperation of territorial communities or authorities, signed in Madrid on May 21st 1980, the Council of Europe has committed itself to fostering and promoting across-the-border cooperation between territorial communities or authorities and to helping, to such an end, the execution of agreements and understandings, in conformity with the constitutional norms of each single Country.

To the Convention of Madrid, two protocols have been added over time; they both offer a wide range of models which allow the different territorial entities within different countries to give cross-the-border cooperation the character they think is most conforming with their own internal law. In particular, the second additional protocol to the Convention of Madrid, dated May 5th 1998, defines the reference framework for "inter-territorial cooperation", which consists of agreements between territorial bodies that are not contiguous and belong to different States. Among the documents issued by the Council of Europe, we must also remember the European Charter of local autonomy, signed in Strasbourg on October 15th 1985, which, within the wider context of a *multilevel protection* of local bodies, has greatly influenced the whole system of territorial bodies. At last, we should remember the adoption of the (EC) Regulation No. 1082/2006 concerning the European Group of Territorial Cooperation (EGTC), as complementary and not alternative instrument to the framework of measures and opportunities, already defined by the Convention of Madrid, in order to help territorial cooperation in the different forms of across-the-border, trans-national and interregional cooperation and to overcome the difficulties found by regional and local authorities in carrying out and managing actions of territorial cooperation. The European Parliament, in its resolution on the role of Euro-regions, approved on October 6th 2005, underlines the necessity for the EGTC to be also useful for the promotion and management of European programs of neighbourhood and partnership, with special reference, on the one side with the countries being candidates to join the group, and on the other side with the sensitive areas of the Middle

1 FM Lazzaro, 'La cooperazione fra regioni comunitarie alla luce della riforma costituzionale italiana' (2003) 2 Le istituzioni del federalismo 326.

East. The instruments of interregional cooperation can then be synthetically distinguished as follows: 1) the twinning, to be intended as an agreement aiming at creating a well rooted and permanent collaboration, in which different administrative *dossiers* are shared; 2) the partnership, as cooperation form of limited size, since it is based on a well defined project , of a technical or economic kind; 3) the across-the-border cooperation, between Countries, bordering with each other but separated by a political border; 4) trans-national or trans-European cooperation, between Regions belonging to more than one member State, sharing specific political, geographic, economic characteristics.

There are some valuable case-study research studies, for example: The Relationship Between European Community Law and the National Laws of the Member States, which contains 90 Decisions Given Between 1962 and 1994 By Both the Community's Court of Justice (20 Cases) and the Courts of the 12 Members.[1]

3. The Normative and Jurisprudential Framework for the International Cooperation of the Italian Regions

For many years the silence of the Constitution about the possibilities for the Regions to come to the execution of agreements with homologous foreign territorial bodies (but also to carry out any activity having importance at an international level) has prevented them from recognizing the foreign power: to the state was assigned the sole competence of the executive power in international relationships.[2] In this way, international law was paradoxically transformed into an instrument by which the Regions were, to varying degrees, and sometimes even completely, deprived of the competences assigned to them by the Constitution (sovereignty vs. autonomy). At a normative level, the first reference rule has long been the Decree of the Pres. Of the Rep. Nr. 616, dated back to 1977, issued after the delegation law dated July 22nd 1975, nr. 382, in which a wider sensitivity to regional needs of participation in foreign powers can be observed. By the Decree of the Pres. of the Republic dated March 31st 1994, under the heading "Action directing and coordinating the activities carried out by autonomous Regional and Provincial Administrations abroad", the whole system of relationships between Regions and Communities is regulated, according to the categories already identified by the Constitutional Court, which provides them with a suitable definition. From the point of view of normative development, the following step is represented by the law dated March 15th 1997, nr.59, which has abrogated the second paragraph of art.4 of the Decree of the Pres. of the Rep.616/1977, stopping the application of the previous understanding procedure for the promotional activities carried out by Regions abroad. The subsequent legislative decree dated March 1998, nr. 112, concerning the assignment of administrative functions and tasks of the State to Regions and local bodies, becomes particularly important in the formulation of art.2. The juridical basis of trans-national cooperation between Regions, is now included in art.117,

1 Andrew Oppenheimer, 'The Relationship between European Community Law and National Law: The Cases' (University of Cambridge, Lauterpacht Research Centre for International Law 1994) 7–30.

2 Thomas F O'Higgins, Deirdre Curtin and David O'Keeffe, *Constitutional Adjudication in European Community and National Law* (1992) 11–46.

U.C., Cost., as it has been reformulated by constitutional law, dated October 18th 2001, nr.3, which assigns to Regions, as regards the subjects falling within its competence, the power of "signing agreements with States" and "understandings with territorial bodies existing within another State", in the cases and according to procedures regulated by laws of the State. That has happened by the law dated June 5th 2003, nr.131 (the so called "La Loggia"), which substantially limits the kinds of agreements that Regions are allowed to sign, and imposes procedure limits, in order that the State is not excluded by Regions, from exerting a foreign power.[1]

4. Italian Regions and Euro-Mediterranean Partnership

Italy as a sample country among EU members, contains 20 regions. Some regions, for example Sicily and Sardinia, have greater independence. EU provisions offer them opportunities to interact with other foreign regions, especially Mediterranean neighbors, based on security necessities and the promotion of Cultural, economic, and political cooperation.

There are some challenging questions: What is the approach of Italian constitutional law regarding this cooperation? How does Italian constitutional law offer innovative solutions when national, interregional and international requirements paradoxically intersect? To answer these questions, Italian constitutional law must inevitably be considered.

As a conclusion of our investigation, we discuss here the foreign competences of the Italian Regions, which can be operational in many cases, within the context of the European neighbourhood policies and in the same Euro-Mediterranean partnership, born from the Declaration of Barcelona, issued on the 28th of November 1995 by the Heads of State and Government of the European Union and of the Mediterranean Countries not belonging to the European Community (PPM) and culminated into the Declaration of Paris dated July 13th 2008, instituting the Union for the Mediterranean.

The Euro-Mediterranean partnership was born to overcome the classic bilateralism of Euro-Mediterranean relations and to create a multilateral framework based on a spirit of partnership.

The Barcelona process is characterized by a multi-dimensional approach, based on three different fields of intervention and cooperation:

a) a political and security field, aiming at creating a common space of stability. By it, they commit themselves to fighting terrorism and organized crime, to promoting regional security, etc.;

b) an economic and financial field, the purpose of which is the creation of an area of shared prosperity and of an area of free trade, based on the principle of the market economy and integration of one's own economies, by strengthening financial cooperation;

c) a social and cultural field, aiming at developing human resources, promoting culture, mutual understanding between the peoples of the Region, exchanges between civil societies and enhancing the common Euro-Mediterranean roots.

1 For a deeper analysis of the interpretation problems coming from the application of the normative of art.117, u.c., see Allegri (n 9), 5.

The ultimate purpose is to strengthen cooperation with third countries to create a common space of peace, prosperity, stability, and security within the framework of global, joint cooperation in the Mediterranean basin. To such an end, from one side bilateral actions are provided, which are based on agreements signed with the European Commission and the single countries, which define, according to guidelines, the priority sectors of the European Community support, on the other side, there are the actions promoted by the Regions, aiming at fostering the development of homologous bodies belonging to foreign Countries, consisting of meetings, conferences and thematic programs, involving Mediterranean partners and the European Countries. From this, the definition of the Euro-Mediterranean partnership as the most important regional forum for dialogue emerges[1], an expression which shows that the regional and local dimension can offer added value to European neighbourhood policies[2]. As regards the potential contribution of Italian Regions, they find a number of operational opportunities, within the European neighbourhood policies and within the Euro-Mediterranean partnership itself.

Starting from the DPR 616/77 in the Italian legal system, following the European institutional development, a new category of activities which can be carried out by Regions, is introduced: those being Community relevant. Regions and autonomous Provincial Administrations can then have relationships with the European Community offices, bodies and institutions, the Committee of Regions included, without any necessary communication to the Government or consent from it. Such relationships have the specific task of making it easier to plan and carry out the European Community projects concerning Regions, as well as the application in regional territories, of the European Community regulations and directives on subjects falling within the competence of Regions, of helping Regional administrations to use at best, the funds granted by the European Community, for regional projects, of encouraging regional cooperation on working out and implementing development measures concerning the single Regions and of preparing interregional European Community programs with Countries not belonging to the Union.

Then a kind of foreign regional power is emerging, which, since it is instrumental to the application of European Community law, is outside the state's foreign policy reserve. Much

1 C Napoli, 'Mezzogiorno e partenariato euro mediterraneo: sviluppo storico-istituzionale e cooperazione decentrata' (2006) *Rivista giuridica del Mezzogiorno* 150..

2 In the White book on the multilevel governance, adopted by the Committee of Regions, within the 80th plenary session on June 17th-18th 2009, we read that an example of the relevance of the multilevel *governance* is the regional dimension of the European policy of neighbourhood (Mediterranean dimension, eastern partnership, synergy of the Black Sea, northern dimension) and of the European policy of big neighbourhood (ultra-peripheral dimension), which, by its definition, must be supported by a successful cooperation at a regional and local level. For this reason, bodies such as the Regional and local Euro-Mediterranean Assembly (RLEMA), integrated in the *governance* of the Union for the Mediterranean, the local and regional Assembly for Eastern Europe and southern Caucasus, suggested by the European Commission and the territorial permanent Forum of the northern dimension, referred to by the Committee of Regions, can give an operational and integrated impulse to the neighbourhood policy. Traditional multilateralism, characterized by collaboration between national governments and the United Nations, develops and is enriched through systematic collaboration with territorial bodies. As a consequence of this statement of fact, the United Nations Development Program (UNDP) has set up "a platform for innovative partnerships". The multilevel *governance* provides for a territorial and not a sectoral approach to development strategies, in order to pursue the development goals of the millennium, compared with the limits of too centralized, sectoral and vertical approaches, which have for too much time prevailed in the support to development.

wider and less binding possibilities are coming to the fore in the sector of across-the-border cooperation, so that the regional and local dimension itself, anyway being used, can offer that added value to the European policies, just to quote the statements of the Committee of Regions, ranging between the issues of extension of cooperation and those of neighbourhood, supported by a successful cooperation at a regional and local level.

Not only as a member of the European Union then, but Italy is also bound to recognize and promote ways of cooperation between Italian and foreign territorial bodies which, apart from territorial contiguity, include the participation of sub-regional autonomous administrations, as regards security too, as is the case within the Euro-Mediterranean area.

5. Requirements of Italy's Constitutional Law for Interregional Cooperation

Since this article seeks to consider capacities of Italy's national law especially constitutional law, it will be inevitable to review Italy's legal system and become familiar with regions' positions from the viewpoint of geography and short history.

5.1. Italy From the Viewpoint of History and Geography

Italy, the famous territory of south-central Europe, occupies a peninsula that juts deep into the Mediterranean Sea. At its broad top stand the Alps, which are among the world's most rugged mountains. Italy's highest points are along Monte Rosa, which peaks in Switzerland, and along Mont Blanc, which peaks in France.[1]

Though its archaeological record stretches back tens of thousands of years, Italian history begins with the Etruscans, an ancient civilization that rose between the Arno and Tiber rivers. The Etruscans were supplanted in the 3rd century BCE by the Romans, who soon became the chief power in the Mediterranean world and whose empire stretched from India to Scotland by the 2nd century CE. That empire was rarely secure, not only because conquered peoples were unwilling to remain conquered but also because of power struggles among competing Roman political factions, military leaders, families, ethnic groups, and religions. The Roman Empire fell in the 5th century CE after a succession of barbarian invasions. Through which Huns, Lombards, Ostrogoths, and Franks—mostly previous subjects of Rome—seized portions of Italy. Rule devolved to the level of the city-state, although the Normans succeeded in establishing a modest empire in southern Italy and Sicily in the 11th century. Many of those city-states flourished during the Renaissance era, a time marked by significant intellectual, artistic, and technological advances but also by savage warfare between states loyal to the pope and those loyal to the Holy Roman Empire.[2]

1 Encyclopedia Britannica, 'Italy' <https://www.britannica.com/place/Italy> accessed 11 June 2026.

2 For more reading see: Bruno Aguilera-Barchet, *A History of Western Public Law: Between Nation and State* (Springer 2015); Harold J Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Harvard University Press 1983).

5.2. Structure of Powers in Italy

5.2.1. Legislature

The legislative body is bicameral and comprises the Chamber of Deputies and the Senate. All members of the Chamber of Deputies (the lower house) are popularly elected by proportional representation, which benefits minor parties. The higher chamber is the Senate; most members are elected in the same manner, but the Senate also includes several members appointed by the president and former presidents, all of whom serve life terms.

In theory, the Senate should represent the regions and, in this way, differ from the lower chamber, but in practice the only real difference between them lies in the minimum ages required for the electorate and the candidates: 18 and 25 years, respectively, for deputies and 25 and 40 years, respectively, for senators. Deputies and senators alike are elected for a term of five years, which may be extended only in the event of war. Parliamentarians cannot be penalized for opinions expressed or votes cast, and deputies or senators are not obligated to vote in accordance with the wishes of their constituents. Unless removed by parliamentary action, deputies and senators enjoy immunity from arrest, criminal trial, and search. Their salary is established by law, and they qualify for a pension.

The most important function of parliament is ordinary legislation. Bills may be presented in parliament by the government, by individual members, or by bodies such as the National Council for Economy and Labour, various regional councils, or communes, as well as by petition of 50,000 citizens of the electorate or through a referendum. Bills are passed either by the standing committees or by parliament as a whole. In either case, the basic procedure is the same. First, there is a general debate followed by a vote; then, each of the bill's separate articles is discussed and voted on; finally, a last vote is taken on the entire bill. All bills must be approved by both houses before they become law; thus, whenever one house introduces an amendment to the draft approved by the other house, the latter must approve the amended draft.

5.2.2. The Presidential Office

The president of the republic is the head of state and serves a term of seven years. The prosecutorial immunity that applies to members of the legislature does not extend to the chief executive, and the president can be impeached for high treason or offenses against the constitution, even while in office. The president is elected by a college comprising both chambers of parliament, together with three representatives from every region. The two-thirds majority required guarantees that the president is acceptable to a sufficient proportion of the populace and the political partners. The minimum age for presidential candidates is 50 years. If the president is temporarily unable to carry out his functions, the president of the Senate acts as the deputy. If the impediment is permanent or due to death or resignation, a presidential election must be held within 15 days.

Special powers and responsibilities are vested in the president of the republic, who promulgates laws and decrees having the force of law, calls special sessions of parliament, delays legislation, authorizes the presentation of government bills in parliament,

and, with parliamentary authorization, ratifies treaties and declares war. However, some of these acts are duties that must be performed by the president, whereas others are invalid unless countersigned by the government. The president commands the armed forces and presides over the Supreme Council of Defense and the Superior Council of the Magistrate.

5.2.3. The Government

The government comprises the president of the Council of Ministers and the various other ministers responsible for particular departments. Ministerial appointments are negotiated by the parties constituting the government majority. Each new government must receive a vote of confidence in both houses of parliament within 10 days of its appointment. If at any time the government fails to maintain the confidence of either house, it must resign. Splits in coalitions of two or more parties that had united to form a government have caused most government resignations.

According to the constitution, the president of the Council of Ministers is solely responsible for directing government policies and coordinating administrative policy and activity. In reality, the president tends to function as a negotiator between government parties and factions. The government can issue emergency decree laws signed by the president of the republic, provided such laws are presented to parliament for authorization the day they are issued and receive its approval within 60 days. Without such approval, they automatically lapse. The government and, in certain cases, individual Ministers issue administrative regulations and provisions, which are then promulgated by presidential decree.

5.2.4. Regional and Local Government

The republic is divided into regions (regioni), provinces (province), and communes (comuni). There are 15 ordinary regions and an additional 5 to which special autonomy has been granted. The regions with ordinary powers are Piedmont, Lombardy, Veneto, Liguria, Emilia-Romagna, Tuscany, Umbria, Marche, Lazio, Abruzzo, Molise, Campania, Puglia, Basilicata, and Calabria. Italy can thus be considered a regional state. The modern regions correspond to the traditional territorial divisions. The powers of the five special regions—which are Sicily, Sardinia, Trentino-Alto Adige, Friuli-Venezia Giulia, and Valle d'Aosta—derive from special statutes adopted through constitutional laws.

The organs of regional government are the regional council, a popularly elected deliberative body with power to pass laws and issue administrative regulations; the regional committee, an executive body elected by the council from among its own members; and the president of the regional committee. The regional committee and its president are required to resign if they fail to retain the confidence of the Council.

Participation in national government is a principal function of the regions: regional councils may initiate parliamentary legislation, propose referenda, and appoint three delegates to assist in presidential elections, except for the Valle d'Aosta region, which has only one delegate. With regard to regional legislation, the five special regions have exclusive competence in certain fields—such as agriculture, forestry, and town planning—while the ordinary regions have competence over them within the limits of fundamental principles established by state laws.

The legislative powers of both special and ordinary regions are subject to certain constitutional limitations, the most important of which is that regional acts may not conflict with national interests. The regions can also enact legislation necessary to enforce state laws when those laws contain the necessary provisions. The regions have administrative competence in all fields in which they have legislative competence. Additional administrative functions can be delegated by state laws. The regions have the right to acquire property and the right to collect certain revenues and taxes.

The state has powers of control over the regions. The validity of regional laws alleged to be illegal can be tested in the Constitutional Court, while those deemed inexpedient can be challenged in parliament. State supervisory committees presided over by government-appointed commissioners exercise control over administrative acts. The government has power to dissolve regional councils that have acted contrary to the constitution or have violated the law. In such an event, elections must be held within three months.

The organs of the commune, the smallest local government unit, are the popularly elected communal council, the communal committee (the executive body), and the mayor. The communes have the power to levy and collect limited local taxes, and they have their own police, although their powers are much inferior to those exercised by the national police. The communes issue ordinances and run certain public health services, and they are responsible for such services as public transportation, garbage collection, and street lighting. Regions have some control over the activity of the communes. Communal councils may be dissolved for reasons of public order or for continued neglect of their duties.

The organization of the provinces, which are midway in size between regions and communes, is analogous to that of the communes; they each have councils, committees, and presidents. Since 1990, several laws that modify the organization of these local autonomies have been introduced in a trend toward greater decentralization.

There are certain central government officials whose duties lie in the sphere of local government. These include the government commissioner of each region, who supervises the administrative functions performed by the state and coordinates them with those performed by the region; the perfect, resident in each province, who is responsible for enforcing the orders of the central government and has powers of control over the organs of the province and communes; and the *questore*, who is the provincial chief of the state-run police.

Particular local government officials also have central government duties: among them are the president of the regional committee who, in directing the administrative functions that the state delegates to the region, performs a specific state duty; and the mayor of a commune who, in his capacity as an agent of the central government, registers births, deaths, marriages, and migrations, maintains public order (though in practice this is dealt with by the national police), and can, in cases of emergency, issue ordinances concerning public health, town planning, and the local police.

Each of those cities, and countless smaller cities and towns, has retained its differences against the leveling effect of the mass media and standardized education. Thus, many Italians,

particularly older ones, are inclined to think of themselves as belonging to families, then neighborhoods, then towns or cities, then regions, and then, last, as members of a nation.

5.2.5. The Constitutional Court

The constitution is upheld by the Constitutional Court, which is composed of 15 judges, of whom 5 are nominated by the president of the republic, 5 are elected by parliament, and 5 are elected by judges from other courts. Members must have certain legal qualifications and experience. The term of office is nine years, and Constitutional Court judges are not eligible for reappointment.

The court performs four major functions. First, it judges the constitutionality of state and regional laws and of acts having the force of law. Second, the court resolves jurisdictional conflicts between ministries or administrative offices of the central government, between the state and a particular region, or between two regions. Third, it judges indictments instituted by parliament. When acting as a court of indictment, the 15 Constitutional Court judges are joined by 16 additional lay judges chosen by parliament. Fourth, the court determines whether or not it is permissible to hold referenda on particular topics. The constitution specifically excludes from the field of referenda financial decisions, the granting of amnesties and pardons, and the ratification of treaties.

Here, as the last point, the related part of Italy's constitutional law will be examined:

Article 5 under the title of (Local Autonomy) states: The Republic, one and indivisible, acknowledges and promotes local self-governments, and shall implement the greatest degree of administrative decentralization in services which depend on the State; it shall adapt the principles and methods of law-making to the requirements of autonomy and decentralization.

Article 131 lists regions. The following regions shall be instituted: Piedmont; Valle d'Aosta; Lombardy; Trentino-Alto Adige; Veneto; Friuli-Venezia Giulia; Liguria; Emilia Romagna; Tuscany; Umbria; The Marches; Latium; Abruzzi; Molise; Campania; Apulia; Basilicata; Calabria; Sicily; Sardinia.

Article 114: The Republic is composed of Municipalities, Provinces, Metropolitan Cities, Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities with their own statutes, powers and functions in accordance with the principles set forth in the Constitution.

Article 117 provides that legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations.

The State has exclusive legislative powers in the following subject matters:

a) foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of non-EU citizens;

b) immigration;

c) relations between the Republic and religious denominations;

d) defense and Armed forces; State security; armaments, ammunition and explosives;

e) the currency, safeguarding savings and financial markets; competition protection;

foreign exchange system; State taxation and accounting systems; harmonization of final public balances; equalization of financial resources;

f) State bodies and relevant electoral laws; State referendum; elections to the European Parliament;

g) legal and administrative organization of the State and of national public agencies;

h) public order and security, save for local administrative police;

i) citizenship, civil status and register offices;

j) jurisdiction and procedural law; civil and criminal law; administrative justice

k) determining of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory;

l) general provisions on education;

m) social security;

n) electoral legislation, governing bodies and fundamental functions of Municipalities, Provinces and Metropolitan Cities;

o) customs, protection of national borders and international preventative measures;

p) weights and measures; standard time; statistical and computerized coordination of data in state, regional and local administrations; intellectual property;

q) protection of the environment, the ecosystem and cultural heritage.

Concurrent legislation applies to the following subject matters:

international and EU relations with the Regions. The regions shall have legislative powers in all subject matters that do not expressly pertain to legislative powers.

Article 134 holds that the Constitutional Court shall pass judgment on:

disputes concerning the constitutional legitimacy of laws and enactments having the force of law issued by the State and the Regions; conflicts arising over the allocation of powers of the State and between the State and the Regions, and between Regions; accusations made against the President of the Republic, according to the provisions of the Constitution[1] .

Conclusion

Italy's legal system regarding interregional cooperation is shaped by both national and international law, particularly EU Law. We should understand whether these two dimensions are antonymous or act as supplement for each other. It seems the recent sense is more logical, but pay attention: this is not a nonsensical selection or artificial project, rather a factual process meaning in the context of Italy's legal history[2].

Italy is an ancient country with islands and scattered territories in addition to its main territory. In accordance with constitutional law, there are twenty regions which have relative independence and self-governing statutes. The constitution confers regulatory, administrative, and financial powers on these local units, and they have been equipped with powers for inter-regional cooperation. This consists not only of interactions among Italian regions but

1 Constitutional Law 16 January 1989, No 1 (Italy), Gazzetta Ufficiale No 13 (17 January 1989) art 2(1).
2 For a study about the historical and geographical context of legal affairs see:
Martin Loughlin, Foundations of Public Law (OUP 2010).

also of relations with foreign regions. The cooperation may include cultural, economic, environmental, and security aspects. Therefore, interregional cooperation in Italy has both international (EU Law) and national (Constitutional Law) requirements.

we discuss here the foreign competences of the Italian Regions, which can be operational in many cases, within the context of the European neighbourhood policies and in the same Euro-Mediterranean partnership, born from the Declaration of Barcelona, issued on the 28th of November 1995 by the Heads of State and Government of the European Union and of the Mediterranean Countries not belonging to the European Community (PPM) and culminated into the Declaration of Paris dated July 13th 2008, instituting the Union for the Mediterranean.

Starting from the DPR 616/77 in the Italian legal system. Regions and autonomous Provincial Administrations can then have relationships with the European Community offices, bodies and institutions, including the Committee of the Regions, without any need to communicate with or obtain consent from the Government. Such relationships have the specific task of making it easier to plan and carry out the European Community projects concerning Regions, as well as the application in regional territories, of the European Community regulations and directives on subjects falling within the competence of Regions, of helping Regional administrations to use at best, the funds granted by the European Community, for regional projects, of encouraging regional cooperation on working out and implementing development measures concerning the single Regions and of preparing interregional European Community programs with Countries not belonging to the Union. Then a kind of foreign regional power is emerging, which, since it is instrumental for the application of the European Community law, is outside the reserve of the foreign policy in favour of the State. Much wider and less binding possibilities are coming to the fore in the sector of across-the-border cooperation, so that the regional and local dimension itself, anyway being used, can offer that added value to the European policies, just to quote the statements of the Committee of Regions, ranging between the issues of extension of cooperation and those of neighbourhood, supported by a successful cooperation at a regional and local level.

Not only as a member of the European Union, then, but Italy is also bound to recognize and promote ways of cooperation between Italian and foreign territorial bodies which, apart from territorial contiguity, include the participation of sub-regional autonomous administrations, as regards security too, as it happens within the Euro-Mediterranean area.

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