

ILARIA CARLOTTO

### An "old" Statute and "old" Rules of procedure in a "new" form of government: the Veneto Case

After more than ten years since the constitutional reform of 1999, the Veneto Region has not yet passed the new Statute and, consequently, the new regulation of the regional Council.

It follows that, in a form of government based on executive power, there are many rules typical of the previous form of government based on legislative power.

All this entails many problems of functionality to the regional Council.

In the essay, the Author examines the rules of the old regulation that conflict with the new form of government and calls for a revision to the Statute and the regulation that can give decision-making capacity to the Council in respect of the role of the opposition.

DANIELE CODUTI

### The matter of confidence between regional Statutes and Rules of Procedure

The essay treats about the matter of confidence between President of the Region and regional Assembly after the 1999 constitutional reform and the approval of the new regional Statutes. The Author analyses new regional Statutes and regional Assemblies standing orders that enable the President of the Region to make the vote on a specific policy issue a matter of confidence. He discusses the role of this kind of vote in a government system characterized by a President of the Region elected by universal and direct suffrage. Actually just four Regions provide the matter of confidence. In the opinion of the Author this lack of provisions depends on the regional system of government, because the matter of confidence can strengthen the role of the President of the Region who is already the "dominus" of the regional policy-making in a system of government based on the "simul stabunt simul cadent" principle.

PIERO GAMBALE

### Brief remarks on the tools of participation in some regional Statutes of Southern Italy

In this article the Author describes the reasons for strengthening the tools of participation after the constitutional reforms approved in 1999-2001.

After having recalled the unsuccessful attempts to realize new tools of political participation in the regional Statutes adopted in the Seventies, the current situation has been analysed underlining the need of a better balance in the new regional form of government (dominated by a directly elected President and its strong majority in Assembly), also pursuing a fully implementation of the principle of "vertical and horizontal" subsidiarity.

Finally, the Author draws the attention on the fact that in the regional Statutes of Southern Italy the political participation has been emphasized only in terms of principles, while only few new tools of participation have been effectively introduced. Consequently, more than the Statutes, the instruments for an effective participation of the citizens are becoming the Rules of Procedure of the regional Assemblies, through which citizens could influence the legislative process and the public policies.

PIETRO MILAZZO

### New Rules of procedure of Tuscanian regional Council: prospects of the organisation of the Assembly

The Statute of Toscana Region - adopted in 2005 - has provided a model by which the regional Council attempts not to lose its centrality in the regional system of government with respect to the Giunta and its President. In this frame, the article describes the latest amendments introduced by the Tuscanian regional Council regulation, approved in 2010, with the aim of verifying according to which modalities the principles on the organization of the Council set forth by the regional Statute of 2005 have been materially implemented. The analysis mainly focuses on the following aspects: (i) the relationship between regional Council and the Giunta with reference to the activity of the regional Council, in particular to the negotiation/dialogue procedure and the instruments for overcoming the information asymmetries between the two bodies; (ii) the reconfiguration of the standing committees as the place in which the cognitive and evaluation activity of the Council is carried out, also beyond the legislative procedure; (iii) the activity of the Control Committee, which verifies the public policies and coordinates and controls the consistency with the local regulatory pro-

visions, that are much enhanced by the Statute, and with the activities of the local administration.

GIOVANNA PERNICIARO

### Statute of Opposition in Toscana: Statute and Rules of procedure

In political systems structured according to the majority rule, a fundamental role of the Opposition party is to scrutinize and criticise, as well as to provide alternatives to that of the ruling party. This paper focuses in particular on the Statute and rules of Council in Toscana, in which the region has set down a statute which regards the Opposition and its party leader.

The Tuscanian model demonstrates an overall coherence, distinguishing the Opposition from other minority parties and identifying within the Council, the principal recipient to whom are entrusted the instruments of control of government work. However, it is necessary to highlight some elements that weaken the Statute for the Opposition in Toscana: firstly, the not particularly incisive role of the Opposition leader with regard to scheduling for the orders of the day, and moreover the group formation rules and the lack of incentives to join such groups.

MASSIMO RUBECHI

### In the name of coherence and continuity: bodies' autonomy and organisation of the Legislative Assembly in the institutional reforms in Emilia-Romagna

The institutional reforms adopted in Emilia Romagna are based on a traditional approach, especially concerning the form of government.

Indeed, looking at the standard governmental model, no significant innovation can be registered, as well as no attempt of re-balancing the highly competitive form of government has been proposed by the legislators. More specifically and concerning the checks and balances system, the relevant issue of the "statute for the Opposition" has been completely ignored.

Better signals can be found in the so called "functional autonomy system", if one considers that the legislative procedure has been strengthened, along with an improved role of Legislative Assembly in controlling and examining the executive branch.

The Emilia-Romagna legislators are hardly the only ones who opted for

the more traditional declination of the separation of powers. Yet, in order to see if their choice was right, a long-term observation and practical test is required.

ELENA GRIGLIO

### The role of the standing committee in the “new” regional Councils: Piemonte, Lombardia, Emilia-Romagna and Toscana

The essay analyses how recent reforms of the regional Councils’ Rules of procedure have impacted the role of the standing committees, focusing on the experiences of the Regions Piemonte, Lombardia, Toscana and Emilia-Romagna. One main question is represented by the attempt to determine whether the reforms have promoted the position of the standing committees within the Council and in the relationship with the regional executive; whether the strengthening of the role of the standing committees could counter-balance the general crisis of the regional Councils; whether this enhancement is meant to take place mainly in the legislative or non legislative area of activities. Even if the results achieved are not always homogeneous, some regional Councils clearly seem to have disregarded the role of the standing committees in the lawmaking process. This statement encourages further analysis on the strategic role of the committees in the non legislative functions, starting from the plan-making process and the evaluation of public policies.

GIOVANNI PICCIRILLI

### Role of the executive in the lawmaking process and proceedings disclosure in the regional Assemblies in Piemonte and Lombardia

The essay analyses the reform of the standing orders in the regional Assemblies of Piemonte and Lombardia, drawing attention specifically to the rules concerning the lawmaking process in the plenary session.

The two case studies are chosen since they represent the most advanced experimentation of innovative procedural solutions. In particular, it is underlined how the latest reforms have increased the role played by the executive, confirming the long standing tendency of the Giunta regionale (the regional Government) to have a prominent position in the parliamentary practice of the Assemblies.

The role of the executive in the decision-making has been strengthened

in Lombardia by excluding the secret ballot on the request of the Giunta and in Piemonte by letting it decide the priority in the voting sequence. The two case studies alternatively pursued these two solutions and even though the procedural means are different, the goal to be reached is the same: to influence the regional form of government through the standing orders increasing the directive position of the Giunta even beyond the framework of the regional Statute.

Moreover, similar proposals are being debated also at the national level, so the results of the effects in the regional Assemblies may constitute a kind of implementation test for forthcoming steps in re-writing the standing orders of the national parliament.

Finally, this development lacks an implementation of decent forms of public disclosure of the recordings of the debates: the approach to the accessibility to the parliamentary acts is still based on administrative law and can not any longer be considered consistent with the increased role played by regional Statutes since the constitutional reforms in 1999 and 2001.

FRANCESCA ROSA

### The oversight function: the Lombardia case

The 1999 constitutional law n. 1 introduced the direct election of regional Presidents. regional constitutions consequently tried to strengthen the representative Assemblies' position in a system of government led by the chief of executive. In this perspective a great attention is paid to the Assembly's scrutiny function.

The article discusses the scrutiny function exercised by Lombardia's Legislative Assembly. It examines two aspects of this activity: 1) the control of Government, based on the confidence rule, and 2) the control of laws and policies implementation, based on the legislative accountability principle. The former is guided by a partisan approach, since the division between the majority supporting the executive and the minority(ies) opposing it, the latter is characterized by a non partisan approach, because all political parties are interested to know laws and policies effects. In both cases the control is above all exercised by select committees.

The second part of the article analyses the scrutiny function's instruments provided by regional constitution and the Assembly standing orders (questions, inquiries, information and document requests to the regional executive and administration, legislative evaluation clauses and legislative evaluation missions). These instruments could be differently used by members, small groups of members and committees.

In the future it should be verified if the effort made by regional constitutions and Assembly's standing orders will be effective in redressing the executive-legislative balance.

CRISTINA FASONE

### The Europeanisation of the regional Councils. The case of the Emilia-Romagna Region

The article analyses the attitude of the Italian regional Councils towards the European affairs. The first part deals with the legal changes occurred at regional level after the most recent constitutional reforms and European Treaties revision. It is underlined the importance of the adaptation of the regional Councils' internal organization as well as the "inlay" amongst regional Statutes, laws and Rules of procedure in order to strengthen the role of the Assemblies in shaping the regional position on EU matters. Four models of relationship between regional Governments and Councils are pointed out: the cooperative one; that based on agreements; that found on the prevalence of the Government and that based on the dominance of the Council. The second part is focused on the enforcement of the EU law at regional level, mainly through "regional community laws". Finally, the third part concerns the case-study, the Council of Emilia-Romagna as benchmark for the carrying out of the so-called "ascendant" and "descendant" phases of European policy-making.

VALENTINA CARDINALE, CRISTINA GAZZETTA

### The relationship between the Council of local authorities and the regional Council of Lazio: hypothesis of reform of Council Rules of Procedure in comparative perspective

The reorganization and adjustment of the regional Councils regulations is important in order to adapt the regional form of government to the new institutional dynamics, involving each institutional level of the regional governance. In this regard it is interesting to analyze the existing relationship between local and regional bodies in coordinating politics.

The examined case study of the Italian Region Lazio is emblematic of the difficulty of reaching a strong relationship, since a Council of local authorities (Cal) has been created to answer the necessity of coordination among institutional levels but, in order to reach its aims, the Council of local authorities needs an adaptation of regional Council regulations, which

recognises its role in the regional governance. This modification has not been made and at moment the relationship between the Council of local authorities and the regional Council is still delegated to political relations and practice, unlike other Regions, comparatively examined in this essay.

VALENTINA FIORILLO

### The Rules of Procedure of Umbria. A wittingly missed occasion of institutionalising Opposition

The question whether the regional standard form of government should be rebalanced and how that may be accomplished has generated lively debate and it is a present matter for Umbria, where a new electoral law have been recently adopted. After discussing some aspects of the statute and the electoral reform, the contribute focuses on the internal rules of Umbria regional Council and how they practically affect the form of government and the opposition's actions and behaviors. The 2007 internal rules stand clearly for the standard form of government and hinges on a traditional concept of separation of powers, failing to introduce a clear and unambiguous concept of opposition. Eventually, the article argues that the internal rules of Umbria legislative branch does represent a missed opportunity to institutionalize the opposition and, therefore, to rebalance the form of government as a whole.

STEFANIA MABELLINI

### The "political" role of the speaker: the case of the Sicilian regional Assembly

In this essay the Author looks into the role of President of the regional Assembly, looking at the gates opened, in the regulation, to his decision-autonomy about the planning of the work, the extraordinary convening, the interpretation and application of the regulation. The analysis comes to the conclusion that, even though isn't lacking wide room for political assessment, in the practice of Regione Sicilia, there is frequent abdication by the President of the Assembly especially in favor of group leaders. It follows that the decision-making is off-loaded onto political settlement, thus pushing down the collateral requirements on majority rule.

FRANCESCO CLEMENTI

### The unalignment between Rules of procedure and majoritarian form of government

This essay aims to underline how are managed the political and institutional possibilities to introduce new forms of Government in the Italian Regions. The survey shows a sort of squint between the majoritarian rules and the dynamics of the form of Government adopted and the Internal rules of the regional Councils, subsequently adopted. This squint is a relevant problem because it may risks to stop the evolution to a more regional form of State in Italy, founded on a new - and more strong - regional responsibility and autonomy of the Regions.

SALVATORE CURRERI

### Regional parliamentary law as test match for the future reforms of Chambers' standing orders

The standing orders of the regional Council are essential sources to understand the real working of the regional government. The hurdle that the regional reforms will have to overcome concerns the role to assign to the regional councils, after the introduction of the direct election of the President of the Region. If, that is, the regional council, in his whole, should oppose the executive, or if it should rather focus on other activities, which today are marginal: attention to public policies, control; being point of reference and connection for the political, territorial and social actors. This second option implies however a change of strategy which the present political class doesn't seem to be up to.

GUIDO RIVOSACCHI

### The Rules of procedure of the regional Councils: a tool of doubtful utility towards the rescue of the assemblies' role within the regional forms of government

Starting by the assessment of the regional Councils' Rules of procedure within the system of the sources of the law, the article focuses on their external legal value as well as on their potential influence over the regional form of government. However, the essay underlines that some fundamental issues - i.e. whether some matters are reserved to the Rules of procedure



re's discipline or not, the question about the Rules of procedure legal foundation, their relationship with other sources of the law, their judicial adjudication – still remain not settled. Therefore, on the one hand, the article challenges the parallelism between Rules of Procedure of the regional Councils and those of the Parliament; on the other hand, it questions the suitability of the regional Councils' Rules of procedure to ensure the effective rescue of elective assemblies within the regional forms of governments. Both from a methodological and a substantial point of view, the recent reforms of the regional Councils' Rules of procedure have essentially confirmed the primacy of regional Executives. This has been carried out aiming at complementing the content of the Statutes and at completely enforcing them, rather than fully implementing a saving clause of residual nature to be understood as if it was able to enhance the pluralism of the regional Councils' representative components.