

# TABLE OF CONTENTS AND ABSTRACTS

The Acceptable Use of the Territory (p. 597)

*Marco Dugato*

## **Essays and Articles**

Urban Regeneration and Urban Planning Law (p. 603)

*Gian Franco Cartei*

*The essay addresses the topic of urban regeneration and analyses recent developments in the legal frameworks of specific territories in which urban renovation policies have been implemented. In addition, the legal concept of urban regeneration is examined at both the national and the regional level. Regions have conferred an increasing importance to urban planning law. The final part of the essay reviews a set of major implementation challenges faced by urban regeneration.*

Territories' Regeneration Policies: Legislative Interventions and Local Practices (p. 625)

*Ruggiero Dipace*

*Urban regeneration is receiving much attention from national and regional legislators and local communities. A strategic vision of urban regeneration, based on urban planning, is accompanied by a "micro" vision based on bottom-up regeneration, undertaken by the citizenry, of common urban goods. Regeneration takes on a new dimension in light of recently enacted rules concerning small municipalities and inner areas, in a context of territorial regeneration.*

The Influence of Urban Regeneration Policies over the Definition of Urban Plans (p. 651)

*Gabriele Torelli*

*Recently, Italian regional laws have extensively examined the issue of urban regeneration. The need to address urban deterioration – which is considered in both its social and economic aspects – is certainly not new; the legal system had previously developed several judicial tools in order to rehabilitate depressed areas. Nevertheless, the latest laws estab-*

*lish that urban regeneration activities shall be conceived at the urban planning level, according to an organic approach which shuns extemporary interventions. In particular, the essay examines the main regional laws which deal with such issues, comparing their analogies and differences. The goal is to evaluate how urban regeneration influences the development of the urban planning activities and the adoption of urban plans in the various Italian regions.*

**The Present and Future of Urban Reform in Emilia-Romagna (p. 681)**  
*Tommaso Bonetti*

*This paper examines the provisions of the Emilia-Romagna Regional Law no. 24 of 21 December 2017. In particular, starting from the reconstruction and critical analysis of some of the main innovations of the law's text, along with the related transitional regime, a series of reflections are developed concerning the features of a reform that seems to somehow initiate a fourth generation of legislative production of regional sources in the area of territorial government.*

**The Earthquake Emergency and New Decision-Making Tools: Planning in the Areas Affected by the 2016-2017 Earthquakes (p. 711)**  
*Federico Spanicciati*

*This essay analyses the planning law measures introduced in the legislative decrees approved to address the earthquakes that occurred in Central Italy in 2016 and 2017. The normative innovations introduced in this field by decree no. 189/2016, and later attenuated by decree no. 8/2017, have radically modified not only the structure of planning jurisdiction but also the procedure and approval times of reconstruction tools. This essay also develops some general reflections relating to the constitutional constraints faced by emergency measures formalized in laws.*

**Migrations: Rules, Integration Practices and Territory (p. 743)**  
*Paola De Salvo*

*Migration flows play a crucial and structural role, especially with the advent of globalization and democratization processes, and they have*

*generated new social and geographical dynamics in the increasingly multiethnic and multicultural contemporary society. In the current political debate, immigration is a relevant issue and involves an extensive relationship between local authorities, other actors active in the territory and residents, aimed towards the construction of differentiated operational models that respect individual local identities and respond to the needs of immigration policies, with particular regard to the integration. In recent years, especially in Europe, issues related to integration have been heavily politicized, probably limiting the perspectives through which integration can be understood as a two-way process of mutual adaptation between the migrant and the receiving community. The rapid evolution of society implies the need for new approaches aimed at redefining the traditional categories of integration, in order to support the development of new alternative perspectives capable of giving innovative responses to the migratory phenomenon in light of the acceleration of social change, transnationalism, increasing diversification and challenges of fragmentation and fluidity typical of contemporary society.*

### **Notes and Comments**

#### **Insularity, Self-Government and Tax Incentives in the Perspective of the Western Mediterranean Macroregion (p. 765)**

*Gaetano Armao*

*The essay deals with the issues of insularity, self-government and tax incentives in the European system that are characterized by an intimate correlation, in the sense that a crucial feature for gaining access to specific forms of regional tax incentives, in light of European jurisprudence guidelines, is the exercise of specific forms of (constitutionally guaranteed, decision-making and financial) autonomy; this feature is further strengthened by the condition of insularity. An approach that takes into account the European dynamics in this context can help bring the debate on regionalism in Italy out of its contradictory dynamics characterised by rapidly alternating centripetal and centrifugal thrusts. The outcome of the constitutional revision, far*

*from being a stable result for Italian regionalism, requires a quick resumption of the debate on the reform of the regional system, in order to prevent centrifugal thrusts ensuing from the failed attempt at centralization. It is from the region as a political body, therefore, that it is necessary to identify a new physiognomy in the state-level and European legal space, starting from the constitutional design of the “social state of autonomies”.*

### **The Distribution of Authority and the Principle of Loyal Cooperation in the Cultural Heritage Sector (p. 791)**

*Giuseppe Manfredi*

*The article analyses the evolution of the distribution of legislative and administrative authority between state, regional and local authorities in the cultural heritage sector in Italy. After a brief description of the earliest legislation on the matter, the article focuses on the regulation introducing the so-called “regionalisation” of jurisdiction in the 1990s and the 2001 constitutional reform, aimed at attributing new legislative and administrative powers to regional and local authorities, particularly in terms of promotion of cultural assets. However, so far the Constitutional Court and the legislator have interpreted the constitutional provisions narrowly, reducing the role of regional and local authorities. As a consequence, cultural heritage regulation is currently grounded on the principle of multilevel governance between national, regional and local authorities.*

### **Energy Production, Transportation and National Distribution and the Inevitable Jurisdictional Overlaps: A Reading in the Light of Constitutional Jurisprudence (p. 811)**

*Carolina Pellegrino*

*The paper focuses on case law interpretation of “energy” matters as a paradigmatic example of how constitutional jurisdiction is – and should be – interpreted in the presence of goals that transcend the simple question of how energy matters are formally addressed by the Constitution. Almost twenty years after the constitutional reform of Title V, in the field of energy, parliamentary legislation continues, by and large, to eschew*

*the constitutional system of allocation of competences. In this context the jurisprudence of the Constitutional Court has played an important role in both orienting interpretation and seeking a balance among different levels of government in terms of concurrent legislation.*

### **Regional Observatory**

**Environmental Protection and Land Take Containment in Emilia-Romagna Regional Law no. 24/2017 (p. 827)**

*Micol Roversi Monaco*

**Institutionalize Participation? Laws Regulating Participation in Italy (p. 837)**

*Marco Brunazzo*

**The New Order of Municipality Unions in Emilia-Romagna (p. 865)**

*Emanuele Petrilli*