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*Brunetta Baldi*

## Essays and Articles

### EU Cohesion Policy and ESI Funds for the 2014-2020 Programming Period: Another Missed Opportunity for Italy? (p. 511)

*Gianluca Bellomo*

*In order to strengthen its economic, social and territorial cohesion, the European Union supports the achievement of these objectives through the 2014-2020 European Structural and Investment (ESI) Funds Programme. Against this backdrop, the author explores the main innovations in the multilevel legal framework for European Structural and Investment Funds in Italy. The new framework has a more strongly results-oriented approach, focusing on fewer priorities, translating Europe 2020 targets into tangible investments in member states and regions. A key element is the ex-ante and ex-post conditionalities attached to EU funding, specifying monitoring and evaluation procedures. The 2014-2020 ESI Funds establish a new framework for a stronger role of both the Commission and each member state in order to achieve a more integrated approach to planning and implementation.*

### Challenges of EU Cohesion Policy: Multi-Level Governance and Financial Effectiveness of Structural Funds Management in Italy (p. 539)

*Ekaterina Domorenok*

*The article addresses the management of European Structural Funds in Italy, focusing, in particular, on the evolution of the role that different territorial levels (central, regional, local) have played in various stages of EU cohesion policy implementation. The text investigates the mechanisms of intergovernmental interaction in Italy, in the perspective of a multi-level governance design established by European Union regulations, and emphasises the issue of coordination between centre and pe-*

*riphery and the operational and financial effectiveness of the current system. Empirical findings discussed in the article show that the consolidated pattern of inter-institutional relations has so far failed to guarantee both an appropriate operational quality and a consistent financial performance of the country as far as the Structural Funds are concerned.*

**The Right to Direct Election in Italian Local Authorities' Governing Bodies, within the Framework of the European Charter of Local Self-Government, the European Convention on Human Rights, and the Delrio Law (p. 573)**

*Giovanni Boggero*

*This paper focuses on the conformity of the election system for the governing bodies of the Italian provinces and metropolitan cities (as specified by a recent local government reform, the so-called Delrio Law) to the European Charter of Local Self-Government and the European Convention on Human Rights. In the first part, the electoral guarantee enshrined in Article 3, para. 2 of the Charter will be examined with specific reference to the "case-law" of the Congress of Local and Regional Authorities of the Council of Europe. The second part discusses whether citizens are empowered to defend their individual right to direct election before the Strasbourg Court.*

**The Impact of the Spanish Local Reform on the Health Sector: Competences and Organization, with Particular Reference to Health Consortia (p. 599)**

*Tomàs Font i Llovet*

*The essay addresses the changes that local government authorities in Spain have undergone as a consequence of law No. 27/2013, concerning the rationalization and sustainability of local administrations (LR-SAL). On the one hand, the text discusses the law's potential unconstitutionality due to the State's disproportionate jurisdiction and the violation of local government's constitutional protection. On the other hand, the text also examines issues relating to the future of functions original-*

*ly assigned to municipalities, especially in the field of health provision, which will be transferred to the autonomous communities. Finally, the essay also deals with new consortium system rules that are especially pertinent for health consortia, which have assured and coordinated management of the public health service.*

### **Notes and Comments**

#### **The Constitutionality of the Regional Surcharge on Personal Income Tax: New Hopes for Regional Autonomy? (p. 619)**

*Marta Basile, Claudio Sciancalepore*

*The regional surcharge on personal income tax is an established, State-regulated local tax that allocates its revenues to the regions. The maneuverability limits of the tax are defined by art. 6 of Legislative Decree n. 68/2011, according to which Regions can differentiate the rates of the surcharge exclusively in relation to income brackets corresponding to those used for determining national income tax. In its judgment the Constitutional Court ruled that this provision should not be interpreted as an obligation to fully differentiate the rates for each income bracket and that the regional lawmaker could establish constant regional rates across multiple income brackets. The provision, in fact, only prohibits the creation of income brackets differing from those identified by the State lawmaker. The judgment could prove innovative even beyond the specific case, in that it could extend its boundaries of application, mutatis mutandis, to the municipal surcharge on personal income tax, thus changing the outcome of previous administrative case law and government documents on the subject. In conclusion, some reflections and application cases on the difficult and incomplete application of the Constitution's Title V are suggested. The partial application of the Constitution is causing increasing conflict before the Constitutional Court, especially as regards the coordination of public finance and the tax system, thus necessitating a revision of the institutional architecture of different levels of government.*

## Regional Observatory

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*Davide Gianluca Bianchi*

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*Giuseppe Piperata*