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Public Administrations and Civil Society: Intersections and Transformations (p. 567)

Alessandra Pioggia

Essays and Articles

The Relationship Between the State and Civil Society and the Transformation of the Administrative Organisation (p. 573)

Marco Bombardelli

The essay evaluates the relationship between local authorities and civil society organisations, highlighting how their collaboration in pursuing the general interest requires important changes in the organisation of public administration. In particular, these changes concern two main issues: the methods of exercising the tasks of the various public administrations and the connections between them, and the support that the administrative organisation must provide to citizens, as individuals and associates, in order to favour their capacity to contribute to the promotion of the general interest. In this perspective, the administrative organisation no longer presents itself only as the articulation of the public legal person but also as the suitable structure for establishing an adequate connection between the various public and private actors that can operate to implement constitutional rights effectively.

The Territorial Dimension of the So-Called Shared Administration: the Cases of the Municipality of Bologna and the Region of Tuscany (p. 601)

Alberto Arcuri

The essay tries to reconstruct the reflection on the so-called shared administration and to represent the political-ideological surplus (a real *Welanschauung*) that it expresses. Starting from the idea according to which the theoretical definition and the operativeness of the model are conditioned by the possibility of placing itself within a determined territorial

dimension, it draws the conviction that its theoretical-political consistency must be tested on the territories. Subsequently, by declining this conviction in the focus of two territorial experimentation processes - that of the Municipality of Bologna and that of the Tuscany Region - the essay tries to demonstrate the model's reactivity to the socio-political characteristics of the territories in which it operates and the need to bring the vitality of its expressions within a minimal but unitary theoretical-constitutional framework, informed by a democratic and pluralist identity.

Cooperation Between Public Authorities and the Third Sector in the Field of Social Services: Results and Prospects (p. 635)

Alessandra Serenella Albanese

The conflict between solidarity and competition has long marked the debate on cooperation between public authorities and non-profit organisations in the field of social services. It reflects a tension between the constitutional principles underlying the welfare state and the rules of EU law. However, the adoption in 2016 of the Public Procurement Code, which regulates the procurement of social services, and in 2017 of the Non-Profit Sector Code, which outlines a different solidaristic model, called shared administration, has increased this tension and raised the problem of overcoming it and coordinating between the two regulatory texts. The essay traces the debate that has developed on this issue, in order to draw a first balance and to identify the perspectives of the relationship between the public administration and the non-profit sector.

Non-profit Organisations and Partnership Agreements with Public Authorities to Carry Out General Interest Activities (p. 677)

Claudia Golino, Alceste Santuari

Public authorities may engage in public procurement procedures with non-profit organisations other than those provided by competition rules when one or more public interest goals are to be achieved. In light of some recent Government bills, this paper aims to analyse how non-profit organisations and public authorities may cooperate to achieve purpos-

es of general interest with new legal tools different from the traditional public procurement schemes.

The Italian Regions, Regionalism and Reforms (p. 695)

Hilde Caroli Casavola

This year marks the twentieth anniversary of the reform of Title V of the Italian Constitution (Constitutional Statute No 3 of 2001) and the fiftieth anniversary of the establishment of ordinary statute regions (Presidential Decree No 8 of 1972). This paper provides an analysis of the relationship between the State and the regions, of the subsidiarity and cooperation concretely practised, and takes stock of the reforms and their implementation, distinguishing between promised and unfulfilled reforms, reforms that have not yielded the hoped-for results, and the performance of the regions at the legislative and administrative level, also in the European context.

Notes and Comments

“Unioni di Comuni” between Association Constraint and Municipal Autonomy (p. 731)

Fulvio Leonzio

After some introductory remarks, the paper reconstructs the normative and judicial evolution of the Italian municipalities associations, examining a recent ruling of the Council of State related to a dispute between the Municipality of Mirandola and the “Unione Comuni Modenesi Area Nord” on the legitimacy of the municipality's exercise of its withdrawal power. The case offers an opportunity to reflect on the challenging balance between inter-municipal associationism, a fundamental tool towards adequacy in the exercise of functions under Article 118 of the Constitution, and municipal autonomy as enshrined in Article 114 of the Constitution. In this context, the current “Unioni” may be fragile when inter-municipal cooperation is not supported by an authentic shared political design.

Readings and Highlights

Is There Space for a "Regional Administrative Law"? Some Reflections on the (Alleged) Statehood of Administrative Law from the Book "Derecho Administrativo de Castilla-La Mancha. Diagnóstico y posibilidades de evolución en un contexto multinivel", Iustel, 2022 (p. 751)

Gianluca Gardini

The Original Regional Project and Its Point of Arrival. Reflections at First Reading of "L'amministrazione regionale" (G. Gardini, C. Tubertini, Torino, 2022) (p. 765)

Antonio Carullo