

Social cohesion policies between abstract forecasting and concrete implementation*

Salvatore Cimini^a, Federico Valentini^b

^a*Faculty of Political Sciences, University of Teramo, Italy*

^b*University of L'Aquila, Italy*

Abstract

The paper concerns the process of social cohesion, as an instrument aimed at integration and common economic development with a simultaneous reduction of the disparities between the different Member States of the European Union, as well as between the different territories of each State. Precisely the social and economic differences between the EU countries and the enormous disparities between the territories of a single State constitute an obstacle to the effective implementation of common policies.

Starting from this assumption, the purpose of the research is to identify possible interventions that, with a view to renewing the cohesion policy, could lead to greater effectiveness of the measures underlying the rebalancing of the economy, functional to the homogeneous growth of the whole European territory, in the awareness that the lack of growth even of a small area ends up, in the long run, with hindering global development.

A first step is to enhance the direct relationship between the local authorities closest to the citizens and the Institutions of the European Union in the large decision-making processes, both with reference to the upward phase of programming and the descending phase of planning. Moreover, a good policy of cohesion functional to common economic development cannot be separated from the incentive of the instruments of "participative democracy": in fact, economic growth also passes through the involvement of the population (citizens and associations) which is established and lives in the territory concerned from innovations.

Finally, a further aspect should be pointed out because it strongly undermines the process of economic growth: the managerial inability shown by the Italian public administrations in implementing the cohesion policies which, therefore, are destined to fail. Excessive bureaucracy is an obstacle to the successful outcome of the cohesion procedures and, therefore, an improvement in the national administrative organization is desirable through the implementation of resources.

Key words: *social cohesion; economic development; European Union; Member State; participative democracy; administrative organization.*

1. Origin and evolution of cohesion policies

The European Union, ever since it was the "coldest" European Community, has always been motivated by the noble intent to achieve and maintain a strong social,

· The work is the result of a common reflection. However, Prof. Salvatore Cimini is the author of paragraphs 1 and 2, and Dr. Federico Valentini wrote paragraphs 2, 4 and 5.

· Salvatore Cimini. *E-mail address:* scimini@unite.it.

economic and territorial cohesion among the States that are part of it. In fact, the European Coal and Steel Community (ECSC) was rightly founded because combining economic interests would have helped the life standards raising. It is worth recalling that all this comes as a consequence of the previous and rending story of the Second World War which had plagued the territories and divided communities.

Cohesion, from the Community legislature point of view, is a complex concept that includes multiple actions implemented to the purpose of reducing the disparities between the various Member States, as well as between the different territories that make up the individual State. This is in the awareness that the lack of economic growth, even of a single and small geographical area, compromises - in the long run - the global development. And indeed, it is precisely the common economic development that constitutes the ultimate goal of the cohesion policy.

The origins of a policy aimed at overcoming the economic imbalances between the various areas of the former European Community, can already be glimpsed in the 1957 Treaty of Rome, whose preamble reports the commitment of the signatories States to “*ensure the harmonious development, reducing the disparities between the different regions and the delay of the less favoured ones*”. Also the art. 2 establishes that one of the European Community (now EU) tasks is to promote social cohesion and solidarity among the Member States.

However, instead of the declarations of intent embodied in the Treaty, the European Economic Community (EEC) at the time, did not provide a concrete solution for achieving the result, and left the difficult task to individual Member States (few and homogeneous at that time): the territorial rebalancing policies were entirely entrusted to the national governments exclusive competence which showed what has been authoritatively defined as a «*landes - blindheit*» (Ipsen, 1966: p.248; D’Atena, 1998: p. 1401; Weatherill, 2005: p. 1)¹.

Increasing the number of States within the Community, resulting in a lack of homogeneity between them, led to a strengthening of the European integration and economic rebalancing that began with the establishment of the European Regional Development Fund (ERDF). This led to the Single European Act of 1986 that, paying attention to the sub-state organization levels and laying the foundations for a reform of the Structural Funds, marked the definitive overcoming of the previous phase of undifferentiated regions and the birth of a concrete structural policy for achieving the economic and social cohesion.

Decisive steps forward along this direction, have been made with the European Single Market, based on the famous four freedoms of movement (of people, goods, capital and services) and with the creation of the single monetary area by the Maastricht Treaty.

It is exactly this Treaty that marks the turning point in the integration and economic rebalancing process, as it has promptly implemented the multiple pressures aimed at giving greater weight to the sub-state institutions² political decisions. Just think of the art. 146 reform (now Article 14, paragraph 2, TEU) according to which the Regions members can

¹It literally means “regional blindness” and indicates the indifference of the European institutions towards the territorial articulations of the individual Member States.

² Among the many changes introduced by the Maastricht Treaty, it is sufficient to recall the effective entry into force of the Committee of the Regions, although its presence was already considered, in abstract, in the previous EC Treaty.

represent, within the Council, their own State rather than - as required before 1993 – limiting their presence to the mere role of the national delegate assistant.

However, it should be noted that this reform remained in the following years as a dead letter, partly because of the difficulty in representing a national interest from subjects point of view -which operate in circumscribed territories -, and partly because of the tendency, by the Member State, to guarantee the uniqueness of the position expressed in the Council (Simonato, 2016).

Following the Maastricht Treaty, the subsequent Amsterdam Treaty of 1997 introduces, about the territorial cohesion issue, an important new feature concerning the Committee of the Regions³. This advisory body is in fact an effective instrument of territorial integration and cohesion, being composed by representatives of the regional and local authorities, elected by the Council, in order to enhance the regional dimension as a decision-making centre. The aforementioned Amsterdam Treaty allows even the Parliament to consult the Committee of the Regions (not only the Council and the Commission), introduces new areas of competence - as well as additional hypotheses for compulsory consultation - and gives to it the full autonomy in adopting its internal regulation, which was previously a matter under the Council approval (D’Atena, 2007).

In 2000, cohesion policies are strengthened by the European Council with the so-called Lisbon strategy⁴ aimed at a more competitive economic policy, even if the economic crisis of the following years will not allow to reach the assumed growth rates (3% of economic growth, 70% of employment, 60% of female employment) (Manganaro, 2011: p. 1). What is important is that, from that moment onwards, the effort made by the European institutions to achieve the economic growth has always been greater and linked to social cohesion to which, over the time, territorial cohesion was added: just think of the Regulation CE/1084/2006 establishing a fund to strengthen economic, social and territorial cohesion through a sustainable development perspective in the transport and environment field.

Thus the Lisbon Treaty (Official Journal of the European Union, 30th March 2010) arrives, whose Title XVIII is entitled “Economic, social and territorial cohesion ”and in particular the art. 174 (ex. article 158 of the TCE) whose first paragraph, declares: *«In order to promote the harmonious development of the Union as a whole, it develops and pursues its own action for achieving the reinforcement of its economic, social and territorial cohesion»*. The aim of this just described action tends both to reduce the development gap between the different regions, and to support the most distressed areas such as the rural, mountain or cross-border ones. What is fundamentally important is that, on this aspect, this Treaty led to an equal position between the Parliament and the Council, and in fact the subsequent art. 177 (ex Article 161 of TEC) establishes an ordinary legislative procedure for co-decision between the two institutions; this replaces the previously applicable assent procedure.

Finally, the so-called Europe 2020 Strategy (elaborated in 2010 after the Lisbon Strategy) had important effects on the European Union cohesion. Its aim is to achieve a *“smart, sustainable and inclusive growth as a means of overcoming the structural*

³It was originally considered in the EC Treaty and now in the art. 305, 306, 307 of the Treaty on the Functioning of the European Union (TFEU), entered into force in 1993 with the Maastricht Treaty as already noted in note 2 of this paper.

⁴Program of economic and social reforms that should have allowed the pursuit of the strategic objective that the Union set for the following decade.

deficiencies of the European economy, improving its competitiveness and productivity, and promoting the affirmation of a sustainable social market economy” (European Commission, 2010). Without going into detail about this ambitious project, whose results will be seen in a few years, it is worth pointing out how much importance is given to the single national realities as the objectives set become action parameters for each individual Member State which, however, is not bound in the *modus operandi*, thus allowing to contextualize the objectives to the specific territory situation (social, economic and territorial).

This fact is a further evidence of how all the measures implemented over the years to resolve the disparities between the Member States, as well as between the territories within them, have not been so effective. Moreover, there are many obstacles that overlap with the success of a cohesion policy, some of which are too rooted in the individual territories to be overcome in a few decades.

The aforementioned difficulties will be examined in the following paragraph.

2. Historical cohesion policies critical issues

The union of the peoples was a difficult goal to achieve and Robert Schuman was aware of it. In his historic declaration of May 9, 1950, he affirmed: *«Europe cannot be made once, nor it will be built together; it will arise from concrete achievements that create, first of all, a de facto solidarity»* (www.europa.eu).

As noted above, the States that gave rise to the European project (Belgium, France, Germany, Italy, Luxembourg and the Netherlands) were few and homogeneous. It is true that the slow but steady process of enlargement of the European Union - which today has 28 Member States - can be considered as a sign of the success of the European institutions that seem to appeal an attraction on an ever increasing number of countries (D’Orsogna, 2011); but it is also true that the same process has emphasized the economic inhomogeneity between the States and, therefore, the great differences between the different areas of Europe.

The 2008 economic crisis then greatly widened the differences between the public debts of the various States so that each of them had to undertake different and more or less drastic manoeuvres. The differences between States, whose interests have been displayed to be, at times, even conflicting, have become increasingly evident. And indeed, against countries that, despite the crisis, have recorded a good economic growth (Germany, Austria) there have been many others that - precisely because of the crisis - have undergone a sharp increase in public debt and dangerous delays in the competitiveness factors (Portugal, Italy, Ireland, Spain and Greece that, considered unable to cope with the difficulty, have been defined, in a disparaging way, with the comprehensive acronym “PIIGS”).

In short, the crisis has made the integration process even more demanding, which might have politically and economically cemented the Member States, in order to create a single European area that could be competitive with the great established powers (USA and Japan) and with those emerging countries (China and Russia).

Ultimately, if our aim is a single and strong territory, that of the European Union, the differences between States cannot be tolerated because there can be no growth without cohesion: this is not the place to discuss possible manoeuvres, but without doubt it is desirable that, on the one hand, the *governance* mechanisms of the European institutions should be improved –because in the past they have failed many times in reaching the

desirable results⁵ - and, on the other hand, the attitude of some States should change because, claiming excessive autonomy space, do not appear collaborative and inclined to respect the supranational constraints⁶.

Moreover macroscopic economic differences should be considered, even within the single States in which the territories growth is smaller and less homogeneous, despite the efforts made by the central governments which tried to achieve an economic rebalancing through the introduction of administrative simplification tools and economic incentive in less developed areas.

In Italy, cohesion policies have often found an obstacle in the assigned public administrations inability to implement them, with the consequent failure of the ambitious community projects: in this sense, the aspect related to the administrative organization becomes fundamentally important and, in particular, the public action efficiency, since excessive bureaucracy limits the enterprise and, therefore, the economic growth (Manganaro, 2011: p. 8).

In our country, the situation is quite alarming, occupying - in the ranking of countries where it is easier to start a business drawn up by the World Bank - a very low dignity position. Inefficiencies, often resulting from organizational *deficits*, lead to a growth delay and to an increasing gap between the north and south of the territory.

Just think of the major transport infrastructure works (topic discussed also in the following paragraph) in which the design phase is very long – as it was noted –and goes from 380 days in Lombardy to over 1,000 in Sicily; as if this were not enough, once the project is approved, a further period for the publication of the announcement is needed, between 93 days for Lombardy and 272 days for Sicily. In summary, the data show that in Italy, only to evaluate the opportunity to realize or not a public work, it takes on average 900 days, that is an excessively long period of time but at the same time is very flexible, depending on the reference regions: from 583 days in Lombardy up to 1.582 in Sicily (Rapporto Svimez 2009 sull'economia del Mezzogiorno; Manganaro, 2011: p. 9).

It is inevitable that the aforementioned imbalance generates different outcomes on cohesion policies in more or less virtuous regions and this circumstance compromises, in the long run, the global economic development.

A final, but not the least, difficulty which interfere with the successful outcome of the cohesion policies concerns the problems related to the regulation of the structural funds (Marra, 2015; Vinci, 2013). Dutifully given that these funds are the main instrument for the realization of economic, social and territorial cohesion, it is widely believed that the relative management generates a huge waste of money because the Community procedures, aimed at their allocation, evaluation and reporting, are complicated and unclear. In addition, in respect of this discipline, the evasion and fraud reported to the European Court of Auditors are increasingly frequent, even by the Organized Crime whose aims is to exploit the weaknesses of the Community legislation (Bassi, 2011: p.110).

⁵Just think of all the manoeuvres implemented before the introduction of the fiscal break-even rule by the *Fiscal Compact* to counter the economic crisis of 2008: in particular, it refers to the strengthening of the *Patto di Stabilità e Crescita*, at the *European Semester* introduced by the ECOFIN Council in 2010, to the *Europlus Pact* of 1th March 2011, as well as to the *Six Pack* and the consequent *Two Pack*.

⁶One example is the current controversy between Italy and the European institutions on the 2018 Budget Law approval.

An important fact on which it is worth reflecting, is that what has been aforementioned generates a growing sense of distrust towards an adequate and correct implementation of the cohesion policies by private operators, who increasingly renounce to submit applications for allocation of the funds. In this sense, future financial manoeuvres will have to be oriented towards strengthening the relationship between public bodies (Institutions) and private bodies (economic operators): the former are called to ensure greater transparency and simplification, the latter to have a proactive role in identifying and actualizing the social cohesion manoeuvres. Therefore this synergy seems to be essential for the correct identification and for the successful outcome of the cohesion policies.

3. Strengthening the link between European institutions and internal bodies

There can be no territorial, economic, social cohesion unless an institutional cohesion is achieved before: too often there is a rupture between the Community bodies and the sub-state bodies of the various EU countries.

In this regard, the transport sector is very significant considering the historic moment in which the macro-regions and the TEN-T Networks (*Trans-European-Transport-Network*)⁷ have been established. Even in the past, in the Green Paper on Territorial Cohesion (COM 2008/616) it was reported that, in order to achieve the goal of bridging the gaps through a link of the territories that passes mainly through the creation of intermodal transport networks, it is necessary to overcome the institutional fragmentation.

This fragmentation appears to be very marked in the identifying and constructing process of the major transport infrastructure works of European interest (airports, railways, highways) in which the sub-state bodies, and in particular the Regions, are overridden by the Member States and the Community institutions, sole actors involved in the various procedure phases. In fact, the States carry out an internal investigation aimed at finding all the information necessary to formulate the proposal to be submitted to the European Commission, with details of the critical issues and possible actions to be taken in order to eliminate them; the Commission, having received the proposal, will be able to carry out in-depth or specific studies, relying on the opinion of the High Level Group⁸, non-binding however, on the priority related to the projects execution. Finally, Parliament and Council, in co-decision, evaluate the proposal received from the Commission and take a decision on it. Moreover, if the work presents specific difficulties in its execution, the European coordinators (Casanova, Brignardello, 2011: p. 63; Magnani, 2006: p. 638) intervene, figure introduced with the Decision n. 844/2004 and appointed by the Commission and the

⁷On this point, see the Regulation 1315/2013/UE that, in the first part of the art. 4, states that «*the trans-European transport network strengthens the social, economic and territorial cohesion of the Union and contributes to the creation of a single, efficient and sustainable European transport space, increases user benefits and supports inclusive growth*». The same regulation provides for a two-layer structure of the trans-European networks: the Global Network (TEN-T *Comprehensive Network*) which performs a territorial cohesion function within the individual Member States and the Central Network (TEN-T *Core Network*) which has the function of connecting the 28 countries that are part of the Union, as well as these with the neighbouring countries.

⁸They are experts who can be appointed by the European Commission. With reference to the TEN-T Networks, the related projects were examined by the High Level Group chaired by Karel Van Miert and classified according to their potential in order to ensure territorial cohesion and respect for the environment.

Parliament, after having consulted the Member States. Without forgetting the intervention of the Trans-European Transport Network Executive Agency (Magnani, 2006: p. 642) which monitors the execution of the works and their funding.

On closer inspection, therefore, this procedure does not seem to give voice to the Regions and the other sub-state government levels. After all, even if the State-Regions Conference is called - undoubtedly a valid instrument of institutional cooperation - local interests could always be overcome and absorbed by the national ones and, in any case, even if it were not, they are always indirectly represented within the Commission.

In the Italian experience, the debasement of the regional powers in *subject amateria* did not fail even against a constitutional dictate that, about the major transport network, provides for—as a consequence of the reform of Title V of the Italian Constitution – an opposing State-Regions legislative competency. This structure should guarantee to the Regions a greater weight in the decision making around the descending and ascending phases of the Community law formation and implementation. It is true that we achieved the drafting of the regional Statutes which emphasize the close collaboration between the Regions and the European Union, but it is also true that in the decision-making processes, in practice, the State always plays the lion's share (leading role), going beyond the legislative principles and criteria in the name of a national interest, thus giving rise to continuous jurisdictional conflicts.

An example of this, in the copious constitutional jurisprudence context on this issue, is the historical judgement 303/2003 by which the Court - called to rule on the constitutional legitimacy judgments, promoted by various regions about some provisions of the law 443/2001 about infrastructures and strategic productive settlements - rejected the Regions censorships claiming a violation of the legislative and administrative autonomy in terms of public works. Specifically, the Court justified the regional depowering by emphasizing the link between art. 117 and art. 118 first clause. The latter provision provides that the administrative functions can be exercised by entities distant from the citizens in order to ensure their unitary exercise according to the subsidiarity, differentiation and adequacy principles; hence it reduces the rigidity of the previous article on the legislative competences.

Ultimately, the Council justifies a unifying State activity even in those matters that, *per tabulas*, area ascribed to the concurrent legislation whenever this is required by a need for unity, in the name of the national interest (De Rose, 2003: p. 2455; Caranta, 2004: p. 1058; Fico, 2015).

All this shows that, in the past years, the Regions have been depleted because of the State interference. However, it should be noted that the same Regions, debased at national level, regained a moderate authority in the European Union thanks to a cohesion policy, implemented by the Union, that enhances the direct relationship between the Regions and the Community institutions: just think of the strengthening of the aforementioned Committee of the Regions (see par 1), a body through which, today, the sub-state authorities can make their voices heard in all the major decision-making processes, not only in those relating to the transport area.

What we ultimately intend to underline is that, under the new super national ideas, a certain progress towards an economic and social cohesion has certainly been accomplished, an evolution which is able to promote the harmonious development of the Community as a whole. Nevertheless the path is still very long and, for a concrete acceleration, it is desirable that the inter institutional collaboration would be increasingly

enhanced: it is necessary for the successful outcome of the Community cohesion policies, otherwise there would be the paralysis of the political, economic and social growth of the whole European territory.

4. (Continued): the population involvement in the decision-making processes

The territories that make up Europe are very different from each other, not only from the political point of view, but also geographically. The morphological difference requires cohesion policies that, to be globally effective, must be adapted to the various areas.

For this reason local policies are more important and better suited to meet the differentiated needs than the more distant and less effective state policies.

At a time when a difference in terms of development not only within a State (for example north and south of Italy), but also within a regional area (urbanized areas and rural areas) does exist, in order to ensure an economic rebalancing effect by local policies, the participation of the local community in public decision-making processes should be encouraged. This has already been acknowledged for some time at Community level since, in Communication 2006/385, the Commission notes that *«Citizen participation is a democratic imperative; the commitment of local residents and of civil society in the urban politics is likely to confer legitimacy and effectiveness on the public authorities powers action»*.

Again the transport sector is a good example: in fact, in the process of identifying and carrying out major infrastructural works, the preventive involvement of the citizens would guarantee the effective completion, the optimal management, as well as the work protection. On the contrary, where there is no participation, the successful outcome of innovation is at great risk. Just think of the violent rejection enacted by the Val di Susa residents against the completion of the Lyon-Turin high-speed railway line.

Therefore, the perceived inefficiency of the cohesion policy system⁹ is due (not only) but also to a lack of initiative by local actors (citizens, informal groups, associations) that tend not to intervene in the decision-making processes concerning their territories because they are systematically incorporated by the major interest groups, or because discouraged by the use of resources, too often assigned to large economic groups (Manganaro, 2011: p. 7).

Briefly the good cohesion policy is the one which values the “participatory democracy” (Allegretti, 2011: p. 193), but it is necessary achieving a “grass-roots” involvement to protect local actors and “reduce the gap between the citizens time and the political calendar. Increasingly, local actors do not understand the limits necessary to the political agenda and the administrative or bureaucratic procedures” (European Commission, 2006).

Therefore, the participation of citizens is closely connected to the previously discussed issue of bureaucracy: these are two factors on which it is worth acting on, encouraging the former and reducing the second, in order to achieve the constant and harmonious economic growth objective.

⁹On this point, see the so called Barca Report, *Un'agenda per la riforma delle politiche di coesione*, April 2009, in www.confindustria.it. This is a report requested by the European Commission to a group of experts in order to highlight and overcome the critical issues of the Community's cohesion policies. In this document, it is noted that *«the current cohesion policy does not meet the demands of the current situation»* and hence ten key pillars for a deep reform of the governance have been identified, including: *«promoting experimentalism and the mobilization of local actors»*.

5. The "administrative efficiency" factor in Cohesion Policies

A brief concluding reflection on the good administrative organization issue as a precondition to give effects on the cohesion policies must be dedicated. The territory, as already assumed to be very heterogeneous, consists of virtuous areas and others less. In the former, public administrations are organized and efficient, while, in the latter, they are often characterized by organizational deficits and excessive bureaucracy (see paragraph 2 on the difference between north and south of Italy). Disorganization, at the administrative level (more or less high depending on the regions) is the cohesion policies "enemy" because it causes slow and even no growth in the less developed areas, against rapid economic and social developments in the most virtuous areas: just the opposite of what a good cohesion policy should generate.

Therefore, the inter-institutional link is a necessary condition but it is not enough; it is also necessary that each administration would be efficient in its organization and effective in its action. This, moreover, is imprinted into the so called Sapir (Sapir, 2004: p. 271; Manzella, 2006: p. 548) report which declares that enhancing a legal order and an efficient administrative system should be considered as a top priority for any convergence strategy within the Union.

The idea of the cohesion policies functioning for the good administration rules finds an initial normative response in Regulation no. 1083 of 2006 on the Structural Funds discipline: in fact, the Title IV, entitled not by chance under "Effectiveness", concerns precisely the quality of the administrative action. In particular, the art. 50, introducing to Chapter II, establishes in the first paragraph the possibility for each Member State to set up, on its own initiative, a national performance reserve (3% of funds) for the "convergence" goal and/or for the "regional competitiveness and employment" objective (De Gregoriis, 2011: p. 23).

Leaving aside (due to the synthesis) the complex discipline related to the structural funds, it should be noted that the commitment made at Community level is not unimportant, considering that the implementation of the structural funds policy progressively reduces, until their disappearance, the divergent situations between the Member States of the Union and between the areas within each of them.

This is the most difficult challenge launched by the European Union which, in order to be won, needs coordinated and joint action not only between the Community institutions and the Member States, but also between the national sub-State entities. In this context, public administrations play a fundamental role; it is nota coincidence and it is widely accepted that all cohesion policies are destined to fail if, at local administrative level, there will reign the incapacity to implement them, due to inability management.

What is needed, therefore, is a policy that makes public administrations, especially those in the most disadvantaged areas, more efficient and effective, respecting the general and indispensable principle of good performance. As has been authoritatively stated, public administrations need to be transformed from *«resource users»* to *«development protagonist»* (Manganaro, 2011: p. 12).

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