Chapter 2

Institutional capacities for Better Regulation

Regulatory management needs to find its place in a country's institutional architecture, and have support from all the relevant institutions. The institutional framework within which Better Regulation must exert influence extends well beyond the executive centre of government, although this is the main starting point. The legislature and the judiciary, regulatory agencies and the sub-national levels of government, as well as international structures (notably, for this project, the EU), also play critical roles in the development, implementation and enforcement of policies and regulations.

The parliament may initiate new primary legislation, and proposals from the executive rarely if ever become law without integrating the changes generated by parliamentary scrutiny. The judiciary may have the role of constitutional guardian, and is generally responsible for ensuring that the executive acts within its proper authority, as well as playing an important role in the interpretation and enforcement of regulations. Regulatory agencies and sub-national levels of government may exercise a range of regulatory responsibilities. They may be responsible (variously) for the development of secondary regulations, issue guidance on regulations, have discretionary powers to interpret regulations, enforce regulations, as well as influencing the development of the overall policy and regulatory framework. What role should each actor have, taking into account accountability, feasibility, and balance across government? What is the best way to secure effective institutional oversight of Better Regulation policies?

The OECD's previous country reviews highlight the fact that the institutional context for implanting effective regulatory management is complex and often highly fragmented. Approaches need to be customised, as countries' institutional settings and legal systems can be very specific, ranging from systems adapted to small societies with closely knit governments that rely on trust and informality, to large federal systems that must find ways of dealing with high levels of autonomy and diversity.

Continuous training and capacity building within government, supported by adequate financial resources, contributes to the effective application of Better Regulation. Beyond the technical need for training in certain processes such as impact assessment or plain drafting, training communicates the message to administrators that this is an important issue, recognised as such by the administrative and political hierarchy. It can be seen as a measure of the political commitment to Better Regulation. It also fosters a sense of ownership for reform initiatives, and enhances co-ordination and regulatory coherence.

Assessment and recommendations

In the context of better regulation, change to the public administration is key. Top managers play an important role in fully embracing and thereby facilitating and stimulating the implementation of regulatory tools, but they can exert equal pressure to slow down or postpone reforms. For example they can be rigid about the application of administrative or decisional procedures. Simplification is a long and complex process, and new and streamlined procedures might be perceived negatively as they clash against the predominant culture.

A significant reform effort of the central public administration is underway with the so-called "Brunetta reform". The reform is geared towards shifting to a result-oriented and performance driven culture, so as to release the full potential of public service delivery, relying on public servants as a means of unblocking change. Real performance is being measured more systematically and consistently, both at the level of the services and of individuals, using also feedback from the public in the former case. Some steps have already been taken, as illustrated by the service satisfaction surveys.

With specific regard to the institutional setting governing and framing regulatory reform at the central level, the President of the Council of Ministers is formally responsible for regulatory policy. Until the new government of November 2011, direct competences for the Better Regulation reform agenda in the Presidency of the Council of Ministers were split between: *i)* The Department of Legal Affairs (DAGL), responsible for the co-ordination of the regulatory activity of the government and for ensuring the quality of regulatory production; *ii)* the Department of Public Administration, responsible for the administrative burden reduction programme and public administration simplification and reform; and *iii)* the Department for Normative Simplification, in charge of the portfolio for legislative codification and for implementing the cutting-laws mechanism.

From November 2011, the structures devoted to simplification (Office for administrative simplification and Unit for the simplification and the quality of regulation) have been regrouped under the responsibility of the Ministry for Public Administration and Simplification, leading de facto to a consolidation of the institutional framework. This decision is to be welcomed. The Department of European Affairs (responsible for the transposition and co-ordination of EU-related legal acts) and the Departments for Regional Affairs (which oversees the co-ordination with the regions and controls the implications of the regulatory cascade across levels of government) contribute to the agenda each within their specific remit.

Recommendation:

The latest government reshuffling of November 2011 better meets international standards of consolidation of institutional framework for regulatory policy. Such setting should be progressively strengthened and confirmed in the long run to avoid continuous re-organisations at the centre of government, which are likely to hamper a consistent and strategic implementation of the reform agenda. The synergies and co-operative mechanisms put in place in support of the administrative burden reduction programme could be taken as a possible example and extended to organise the governance of other regulatory tools.

Background

Public governance context

Decentralisation

The interface between the central and sub-national governments has been significantly reformed over the past sixty years. The most important reform was adopted in 2001, with an amendment of Title V of the Constitution, revised Articles 114-133.[1] The reform provided a framework for new institutional structures, the division of legislative and administrative powers, the financial scheme and financial relations between diverse entities, the possibility of differentiated autonomy for regions with an ordinary statute, and the abrogation of budgetary controls of regional actions.

The 2001 Constitutional reform re-allocated legislative competences. Before 2001, the regions had responsibilities only on the matters expressly assigned to them by the Constitution. With the reform, the regions acquire exclusive legislative power with respect to any matter not expressly reserved to State law. The regions have legislative competence and regulatory implementation power also in matters of concurrent legislation, except for fundamental principles that are reserved to State law (see Annex A for details). Municipalities and provinces have regulatory power with respect to the organisation and fulfillment of the functions assigned to them.

The 2001 reform also re-designed the allocation of administrative functions. Legislative and administrative competences have been de-coupled. Municipalities are entrusted with generalised enhanced administrative tasks, with the exception of those cases where uniformity and coherence require the conferral of the administrative competence to a superior level of government (Art. 118).

Further to the reform and because of the need for institutional adjustments,[2] the Italian Constitutional Court was called upon to rule on an increasing number of disputes.[3] Among other issues, Case law produced by the Constitutional Court since 2002 has clarified the interpretation of the competence allocation. The Court has also addressed its own role in arbitrating conflicts arising between the State and the regions; the need to institutionalise mediation mechanisms to prevent such conflicts; the function of the Parliament; and the budgetary autonomy of the regions.[4] The Court also ruled on possible alternatives, further to the suppression of the notion of "principle of national interest" by Constitutional Law 3/2001.

Reform of the public service

The Minister for Public Administration and Innovation launched in 2008 a process of renewal and modernisation involving civil service and administrative organisation as a whole. The reform addresses four core dimensions: meritocracy, efficiency, transparency and innovation. Its main objectives are in line with the Lisbon Strategy – productivity growth, reduction of administrative burden, enhancement of public services – in an attempt to contribute to the overall re-launch and growth of the economy (Box 2.1).

Box 2.1. Making public administration perform better: The "Brunetta" reform

The reform strategy developed by the Minister for Public Administration and Innovation covers the period 2010-13. It rests upon three pillars:

- **Modernising the public administration**. Entered into force through Legislative Decree 150/2009 in November 2009, the reform encompasses a revision of all aspects related to the civil service, with a view to improving labour productivity as well as administrative efficiency and transparency. The areas of the reform include "merit" (a reinforced selection mechanisms for economic and career incentives); "assessment" ("customer satisfaction", transparency and merit-rewarding will be the cornerstone of the new performance assessment system – not least through the initiative "Show your face"); "collective bargaining" (in line with private sector approaches, supplementary bargaining and, as a consequence, additional remuneration, will be conditional on the real attainment of planned results and management savings); "management" (managers are entrusted with concrete tools and are subject to, inter alia, economic sanctions in case of failure to comply with their obligations); and "discipline" (disciplinary proceedings have been simplified and a catalogue of particularly severe infractions leading to dismissal has been put in place).
- **Diffusing innovation and digitalisation**. The Government has introduced a Multiannual Plan ("i2012 – Innovation Strategies") resting on Public Administration (e-Government) on the one hand, and economic and social sector (i-Economy/i-Society), on the other hand. The main achievement in this respect has been the adoption of the new e-Government Code (*Codice dell'Amministrazione Digitale*) in February 2010 (see Chapter 1).
- **Enhancing the relationship between public administration, citizens and businesses**. The main legislative initiative regards the introduction of the Charter of duties of public administration (*Carta dei doveri della pubblica amministrazione*). The Charter will help to enforce citizen's rights and duties of public administrations *vis-à-vis* citizens and business. The pillar relies, among others, on a number of initiatives that multiply the interactions with the administrations, including the "Friendly Networks" project (*reti amiche*) and the call centre "Friendly Line" (*linea amica*) (see Chapter 1).

Source: *www.innovazionepa.gov.it/lazione-del-ministro/documents-in-english/documents-in-english.aspx*; *www.riformabrunetta.it.*

Institutional context for policy and law making

Italy is a parliamentary republic established by the constitution of 1948 further to a referendum that abolished the monarchy after the end of World War II.

The institutional setting for Better Regulation within the Italian executive has been characterised by both elements of continuity over the past decade and significant changes. The first are notably embodied by the Department for Legal Affairs (DAGL) and the Ministry for Public Administration and Innovation. The recent changes of November and December 2011 (most notably the unification of administrative and regulatory simplification under the leadership of a single Minister) are the latest of a series and reflect political developments as well as the fruit of experience in better regulation over the past decade. Developments have also been influenced by the 2001 constitutional reform, which re-allocated legislative competences across levels of government, and implied a fundamental re-thinking of the State's regulatory policies and its organisation.

Box 2.2. Institutional framework for the Italian policy, law making and law execution process (central level)

The executive

The Council of Ministers consists of the Prime Minister (referred to as the President of the Council of Ministers) and the ministers personally proposed by the premier. The number of ministries is fixed to 13. The number of ministers (including ministers without portfolio, vice-ministers and undersecretaries) cannot exceed 65.

The Prime Minister conducts and is responsible for the general policy of the Government. He/She ensures the unity of the government's political and administrative policies, and promotes and co-ordinates the activities of the ministers (Art.95 of the Italian Constitution). The Prime Minister is appointed by the President of the Republic. The government answers to the parliament and must enjoy the confidence of both chambers.

The Premier's supervisory power is limited by the fact that, at least formally, he/she does not have the authority to fire ministers. In practice, nonetheless, reshuffling (*rimpasto*) and, more rarely, individual votes of no confidence by Parliament allow for changes within the same mandate.

The Presidency of the Council of Ministers is the institutional structure supporting the activity of the Premier. It consists of a Secretary General, whose office is the pivotal centre for the co-ordination of the government's action, and of a number of offices and departments. The latter are either directly subordinated to the Presidency, or they are delegated to Under-Secretary of State and Ministers without portfolio, respectively.[5]

The government has legislative power under two conditions specifically indicated by the Constitution – namely in the case of delegated laws (the power is then explicitly and directly conferred on the executive by parliament) and in the case of legislative decrees (in case of emergency). The government exercises administrative power by regulating the functioning of the State public administrations.

The legislature at the central level

Legislative power is held by a bicameral parliament consisting of the Chamber of Deputies and the Senate. The members of the two Chambers are elected for a period of five years. Italy is based on a fully balanced bicameralism, according to which both chambers are on equal footing and play the same role in the legislative process. Parliament co-legislate, grants and revokes the confidence to the Government and fulfils functions of political control over the executive through the adoption of guidance documents such as motions and resolutions as well as questions and petitions. In addition, Parliament may conduct inquiries on matters of public interest, appointing Committees of Inquiry.

The first chamber is the Chamber of Deputies. Its 630 elected members (of which 12 are elected in the overseas constituency) consider and approve the laws. During the legislative process, every text is considered by one of the 14 standing committees or a special commission before being discussed by the plenary.

The second chamber is the Senate. Only citizens above the age of forty can be elected in the Senate, which consists of 315 members (six of whom in the overseas constituency). In addition to elected members, the Senate also includes up to five life senators – who are appointed by the President of the Republic "for outstanding merits in the social, scientific, artistic or literary field" – and the former Presidents of the Republic, who are *ex officio* life senators.

Parliament sits in joint session (chaired by the President *of* the Chamber *of* Deputies) among other things to elect the President of the Republic and to appoint one third of the members of the Higher Council of the Judiciary *(Consiglio Superiore della Magistratura)* and of the Constitutional Court (Corte Costituzionale).

Box 2.2. Institutional framework for the Italian policy, law making and law execution process (central level) (*cont.*)

The President of the Republic

The President of the Republic is the Head of State and represents the unity of Italy. He / She is elected by the parliament (in joint session) and by three delegates coming from each of the twenty regions,[6] for a seven-year term. The President promulgates legislative acts and can refuse to sign them (by returning the bill to the Houses with a motivated letter), thereby preventing them from becoming legally binding. In addition, the President is the guarantor of the Constitution and of the prerogatives of the various institutions. The President calls the constitutional referenda; appoints the President of the Council and each individual minister; and can dissolve Parliament and call for elections. The President heads the Superior Council of Judges and appoints one third of the members of the Constitutional Court. He / She is also the commander in chief of the armed forces.

The judiciary

The Italian legal system draws from the European codified civil law tradition. The Constitution guarantees the independence of the ordinary judiciary from interference by any other State power in its activity of interpreting the law and assessing facts.

The Constitutional Court has the power to review laws and decree-laws. If they do not comply with the Constitution, the Court declares their unconstitutionality and, consequently, these acts are no longer valid in the constitutional order from the day after the decision's publication. The Constitutional Court is the only body entitled to exercise this power. Judges nevertheless play an important role in checking whether laws are in accordance with the Constitution and raising constitutionality issues before the Constitutional Court. The Court is composed of 15 judges: one-third appointed by the President of the Republic, one-third elected by parliament, and one-third elected by the ordinary and administrative supreme courts.

The Supreme Court of Cassation (*Corte Suprema di Cassazione*) is the highest appeal court. Appeals to the Court generally come from the lower appeals court, but litigants may also appeal directly. Generally, cassation is based not on outright violations of law, but on diverging interpretations of law between the courts. The Court therefore cannot rule on the evidence of the facts or overrule the trial court's interpretation of the evidence; rather, it rules on the lower court's interpretation or application of the law. Decisions of the supreme court are binding only in the case submitted. The Court's seat is in Rome and has jurisdiction over the entire territory of the Republic.

Besides *ordinary courts* (civil and penal), the Constitution provides for only clearly defined *specific courts*, among which are the *administrative courts*. The latter monitor the legitimacy of administrative acts and may lead to their annulment.

Judges are independent public officials. Once appointed, they serve for life and cannot be removed without specific disciplinary proceedings conducted by the Superior Council of Judges (*Consiglio Superiore della Magistratura*). Civil and criminal judges form a single structure, that of the ordinary judges, which also includes prosecutors (*pubblici ministeri*). Administrative judges are distinguished from ordinary judges and have an independent governing body. The Ministry of Justice handles the administration of courts and judiciary including paying salaries or constructing new courthouses.

As the judiciary's self-governing organ, the Superior Council of Judges safeguards the independence of the order; regulates the most important activities necessary for the exercise of its competence; and applies disciplinary sanctions. It is made up of the President of the Republic, who presides over it (and who generally has the assistance of a Vice president, elected from the members), the first President of the *Corte di Cassazione*, the *Cassazione*'s Prosecutor General, as well as 24 other members.

Table 2.1. Milestones in the development of Better Regulation institutions in Italy

2006	Creation of the "MOA Task force" co-ordinated by the Office for simplification of the Department of the Public Administration
2006	Creation of the Unit for the simplification and the quality of regulation at the Presidency of the Council
2002	Creation of an office on RIA and VIR at the Department for legal and legislative affairs. Another office for simplification is instituted at the Department for Public Administration
1999	A structure for simplification and codification is instituted at the Presidency of the Council of Ministers: the so-called *Nucleo* for the simplification of rules and procedures
1988	Creation of the Central Office for the co-ordination of the legislative initiative and regulatory work – DAGL (*Dipartimento per gli Affair Giuridici e Legislativi*) – at the Presidency of the Council of Ministers,

Key institutional players for Better Regulation policy at the central level

The executive centre of government

Between 2008 and 2011, a Minister for Normative Simplification was responsible for co-ordinating legislative (such as the *taglia-leggi* process) and administrative simplification initiatives. From November 2011, the structures devoted to simplification (Office for administrative simplification and Unit for the simplification and the quality of regulation) have been regrouped under the responsibility of the Ministry for Public Administration and Simplification, leading de facto to a consolidation of the institutional framework.

The Ministry for Public Administration and Simplification is supported by:

- The Unit for Simplification and Regulatory Quality (Unità per la *Semplificazione e la Qualità della Regolazione*, USQR) consists of high-level experts and functions as an advisory board and a transmission belt between the political arena and the technical dimension of the reform agenda. It follows on earlier attempts to establish a Nucleo and an Observatory for simplification, as part of the first wave of regulatory reforms which took place in the 1990s.
- The Office for Administrative Simplification (USA) co-ordinates the administrative simplification activities and the implementation of the measurement and reduction of administrative burden. USA is supported by a "task force MOA" and the Statistical Office (ISTAT).
- The Minister for Public Administration and Simplification collaborates with the Department for Digitalization of Public Administration and Technology Innovation (the former Department for Innovation and Technologies) for the definition and implementation of measures related to technological innovation in public administration.

The Department for Legal Affairs (*Dipartimento per gli affari giuridici e legislativi, DAGL*),[7] established in 1988 as part of the Presidency of the Council of Ministers, is primarily responsible for the planning and preparation (*istruttoria*) of the legislative proposals. It provides legal advice to the legislative offices of each ministry on the appropriateness of legislative drafts. DAGL oversees the quality of the juridical technical language and the legal quality – considering the incidence of the new norm on the juridical system – as well as the proper evaluation of the financial effects. The government's Directive of 2009 entrusted DAGL with enhanced responsibilities: checking whether the criteria justifying fast-track and urgent procedures are met; co-ordinating normative matters with other parts of the Presidency of the Council, the ministries, the independent authorities, relevant parliamentary bodies, the Constitutional Court and the State Council, as well as across levels of government; and carrying out analytical work on normative matters.

DAGL also includes the Regulatory Impact Analysis Unit.[8] Its mandate is to check the appropriateness and the completeness of the activities performed during the preparation of the RIA. The Unit gives its final opinion on the RIA document before this is formally included in the agenda of the Council of Ministers. To this end, the Unit has developed evaluation criteria and monitoring indicators. This task was further consolidated by the regulation on RIA of 2008. DAGL is also responsible for issuing the government-wide guidelines on RIA, legal scrutiny (ATN) and *ex post* evaluation (VIR). Once a government bill is sent to parliament, DAGL is responsible for monitoring the parliamentary debates. It assesses proposed amendments in co-operation with the Department for the relation with Parliament.[9]

Among other issues, the Regional Affairs Department (*Dipartimento per gli Affari Regionali*) co-ordinates co-operation between the State and regional and local authorities. It manages relations between the levels of government and ensures the consistent and co-ordinated exercise of the powers and remedies provided in the event of inaction and infringements. The department provides for the legal and administrative compliance with, and for the examination of regional laws and acts to ensure compatibility with the Constitution. It supervises the implementation of the statutes of the regions and provinces with special autonomy.

Within the Presidency of the Council of Ministers, the Department for European Affairs (*Dipartimento Politiche Comunitarie*) co-ordinates the government's European policy both in the negotiation phase and in the implementation of EU law, overseeing the CIACE (*Comitato interministeriale per gli affari comunitari europei*). The Department is responsible for co-ordinating the Italian programme in the framework of the Europe 2020 agenda; it addresses and anticipates infringements with EU law (also through the SOLVIT system), and is in charge of the free circulation of persons, goods and services within the EU. The Department also supports and provides training, and organises a contact point for public information on EU matters.

Institutional support for e-Government strategy

The initiatives launched to foster e-Government in Italy are promoted and co-ordinated by the Department for Digitalization of Public Administration and Technology Innovation. They have relied on the activity of the *Centro Nazionale per l'Informazione nella Pubblica Amministrazione* (CNIPA) until 2009. In December 2009, as a part of the "Brunetta" reform (Decree 177/2009), a new agency for ICT in the Public Administration (*DigitPA*) was established under the direct responsibility of the Minister for Public Administration and Innovation.[10] The mission of the new body is to:

- Provide technical support and consultancy to public administrations and the government.
- Issue technical rules, standards, guidelines and recommendations.
- Monitor and evaluate compliance of public administration ICT activities with the governmental strategies, technical adequacy, economic efficiency, and results obtained by ICT projects.
- Define and manage high innovative ICT projects, such as the Public Connectivity System (SPC).
- Moreover according to the Digital Administration Code, the Department chairs the permanent Commission for co-ordination of e-government among central administrations and the Commission for co-ordination with Regions and local governments.

Co-ordination on Better Regulation across the central government

The situation has not evolved substantially in recent years and inter-ministerial co-ordination relies mainly on informal relationships. The programme for administrative simplification of SME regulation and administrative burden reduction enjoys the institutionalisation of a devoted committee (*Tavolo per la semplificazione per le PMI*) – see below.

Better Regulation and regulatory agencies

Italy has set up a number of independent sectoral regulatory agencies (authorities) over the years. Throughout the 1990s, such authorities were established as a result of EU directives and the move towards privatisation and market-based approaches for core services, but also as a response to policy concerns which were felt to be best handled at arm's length from the political arena. The key authorities include the Competition Authority (created in 1990), the Energy Regulator (AEEG, in 1995), the Communications Regulator (Agcom, in 1997), the Isvap (in 1982), and the Securities market Regulators (CONSOB, established as early as 1974).

These authorities are generally entrusted with significant independence, as well as with regulatory and quasi-judicial powers. They are generally accountable to Parliament, to which they must report annually. They are also subject to audit by the Court of Accounts, and their decisions can be appealed in courts. However, there is no single approach and criteria for appointment, tenure of the executive board, and accountability procedures may differ. Regulatory authorities have been the subject of significant policy debate and modernisation proposals covering these issues, and addressing a vacuum in the postal sector, as well as in the transport and water sectors have been tabled throughout the past decade.[11] However, there is no consensus over when they should be set up and how they should be managed.

With regard to Better Regulation, while agencies are called upon to produce RIA, or to consult the public on their normative acts,[12] they are free to choose the forms of RIA and methodologies that best suit their internal statutes and organisation – and some have developed their own Better Regulation agenda, setting standards and developing good practices sometimes beyond the regime established for central administrations.

Better Regulation and the legislature

The Parliament has been quite active in promoting regulatory reform. A number of parliamentary committees and procedures specifically address regulatory policies:

- The bipartisan Committee on Legislation (*Comitato per la legislazione*), established in 1997, advises the Chamber on the consistency, simplicity and clarity of drafting of proposed legislation and on the effectiveness of simplification measures. The Committee provides an opinion on all Decrees issued by the government and submitted to the Parliament, as well as on all proposals for enabling and deregulation acts to be adopted by the Standing Committees. It publishes every year an annual Report on Legislation at the levels of the central government, the regions and the EU.
- The Office for the Quality of Legislation (*Servizio per la qualità degli atti normativi*) was created in 2000 by the Senate, with units responsible for compliance with the rules of drafting, for the review of RIAs issued by the government, and for review of the effects of laws.[13]
- A Bicameral Commission for Legislative Simplification (*Commissione parlamentare per la semplificazione della legislazione*) was set up in 2006 in relation to the cutting-laws' exercise (taglia-leggi),[14] to give opinions on the various steps of the guillotine exercise. It also has a mandate for administrative simplification,[15] with the right to render opinions on simplifying, amending or abolishing public administration bodies. In particular, the Commission gives opinions to the government on draft legislative decrees aimed at simplifying the system and on proposed codes rationalising entire legislation areas.

Parliament has also traditionally supported the development of e-Government and the application of ICT in support of the regulatory reform agenda. In particular, Parliament has allocated a fund in 2000 for the creation of a public and free law database on the internet, in close co-operation with the Presidency of the Council of Ministers. The database *www.Normattiva.it* was activated in March 2010. New developments include convergence of the "Normattiva" database with regional legislation databases and inclusion of legislative acts from 1861 to 1945.

Other important players

The Council of State serves an advisory function as a consultative body to the government, as well as a judicial function as it ensures the legality of public administration. The Council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power.[16] The Council must be mandatorily consulted on drafts of regulations to be signed by a minister or by the President of the Republic; drafts of legislation or regulations unifying previous texts; general models for certain types of contracts, agreements and conventions established by one or several ministers; specific administrative decisions and extraordinary petitions to the President of the Republic. On other acts, such as EU law and questions concerning the interpretation of statutes or good administration, the opinion of the Council is optional. With regard to its judicial function, the Council of State represents the appeal body of any ruling of an Italian regional administrative tribunal (TAR).

The National Council of the Economy and Labour (CNEL) is an advisory body of the Chambers and the Government. CNEL has legislative power (right of legislative initiative) and contributes to the elaboration of economic and social legislation.

The Court of Audit (*Corte dei Conti*) safeguards public finance and guarantees respect of the judicial system through its audit function and its judicial function. The Court is independent and directly reports to the Chambers of Parliament on its audit findings. In accordance with Art. 3 of Law20/1994, audits may be both *ex ante* (essentially, on general planning acts of the administration, audited "a priori" for the consequences they produce on the following implementation acts) and *ex post* (notably on the management of the budget and the capital assets of State departments and of the EU funds). Jurisdictional Chambers of the Court have been established in each region (further to Law 19/1994). Appeals are allowed against the sentences of these Chambers before the Central Jurisdictional Chambers. Regional Prosecutor General Offices have been set up as a result of the decentralisation of the Jurisdictional Chambers.

Resources and training

Since the 2006 government's Directive "*Per una pubblica amministrazione di qualità*", administrations are called upon to intensify their efforts to provide adequate training for their civil servants in methodologies and techniques for improving performance. Administrations were also solicited to adopt self-evaluation tools such as the Common Assessment Framework (CAF). In relation to the cutting-laws exercise, a help desk for problems of a legal nature was organised. A computer assistance service has also been provided through a permanent technical help desk service run by DigitPA.

As part of the reform on enhancing performance evaluation launched by the Minister for Public Administration, a dedicated National Commission (*Commissione indipendente per la valutazione, la trasparenza e l'integrità della pubblica amministrazione*, CIVIT) was established in 2009.[17] CIVIT is charged with steering, co-ordinating and overseeing evaluation activities within public administrations, including the development of methodologies and the diffusion of evaluation practices.

The Office for Training of Public Administration Staff (UFFPA), located in the Department for Public Administration, is responsible for organising and co-ordinating training on regulatory policies. The Ministry relies also on the National School for Public Administration (SSPA), for training senior civil servants. Further specific training courses have been organised directly by the Presidency of the Council of Ministers, notably on legal technical analysis (ATN), RIA and *ex post* evaluation (VIR). In addition, DAGL launched a Project for Operational Assistance to the regions (POAT) in 2007 in order to enhance administrative capacity at the sub-national level.[18] The Department for European Affairs supports training for civil servants in central, regional and local administrations on EU matters, and promotes EU-related capacity-building activities also abroad.

FORMEZ (*Centro di Formazione Studi*) implements most of the training programmes at regional and local levels, in particular in Southern Italy. Between 2002 and 2008, FORMEZ carried out training, launched trials, and diffused methodologies related to RIA involving 15 regions. Five regions were involved in activities related to the measurement and reduction of administrative burdens.

Notes

1. Constitutional Law 3/2001; see OECD (2007).
2. See, for instance, Osservatorio sulla Legislazione della Camera dei Deputati, Rapporto 2004-05 sullo stato della legislazione, XIV Legislative Session, 11 July 2005, p. 247ff.
3. Over 2004-06, almost 10% (123 out of the some 1 160) of the regional legislative acts examined by the national government have been challenged in court. A quantitative analysis of the judicial dispute is provided by the Servizio Studi del Senato, Il Contenzioso Stato-Regioni: Dati Quantitativi, Dossier No. 17, June 2008.
4. On the latter point, see Osservatorio sulla Legislazione della Camera dei Deputati, Rapporto 2007 sulla Legislazione tra Stato, Regioni e Unione Europea, XV Legislative Session, 29 October 2007, p. 291ff.
5. *www.governo.it/Presidenza/strutture_funzioni.html.*
6. The region Val d'Aosta is represented by one delegate only.
7. *www.governo.it/Presidenza/DAGL/index.html;www.governo.it/presidenza/contenzioso/; www.governo.it/Presidenza/AIR/index.html.*
8. *www.governo.it/Presidenza/AIR/index.html.*
9. *www.governo.it/rapportiparlamento.*
10. *www.digitpa.gov.it.*
11. Law proposal AS 1366/2007 constitutes an example.
12. The Simplification Law 229/2003 formally extended RIA to the independent regulatory authorities, when they adopted regulatory acts (with the exception of the Competition Authority). Other legal basis require sector-specific analysis, comparable to RIA. See for instance Art.13 of Legislative Decree 259/2003 on electronic communications; Art.23 of Law 263/2005 on financial markets; Art. 23 of Law 62/2005 referring to the authority for the supervision of public contracts for works, services and supplies (AVCP).
13. *www.senato.it/leggiedocumenti/152388/152432/152434/genpagspalla.htm.*
14. Law 246/2005.
15. Law 244/2007.
16. In such case, the dispute is considered to be one of civil law.
17. *www.civit.it.*
18. *www.governo.it/Presidenza/AIR/abstract_POAT_DAGL.pdf.*

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