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The *referenda* for more autonomy in Veneto and Lombardia: constitutional and comparative perspectives

by

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Abstract

In a global context where popular referenda are increasingly used to decide contested issues, this paper aims at exploring the framework in which, in October 2017, two referenda took place in the Italian northern regions of Veneto and Lombardia to seek additional forms and conditions of autonomy within the Italian regional state as painted by the Constitution after the 2001 reform. By adopting mainly an analytical perspective, this contribution studies the political and constitutional underpinnings of the two referenda while at the same time providing a cursory comparative account of differential and asymmetric regionalism.

Key-words

regionalism, referendum, autonomy, Italy, asymmetry

Introduction

Over these past few years, the use of *referenda* across Europe has become a common tool to democratically decide controversial or contested issues: for example, the withdrawal of the United Kingdom from the European Union (the so-called *Brexit* referendum of 2016) and the more recent referendum for the secession of Catalonia from Spain of October 2017 have monopolized public attention and stirred lively academic, constitutional and political debates in Europe and elsewhere. Within this context, on 22 October 2017, two separate referenda for increased autonomy took place in the Italian Northern regions of Veneto and Lombardia, resulting in an overwhelming support for more regional autonomy (although, at a closer look, the outcome was not perfectly identical in the two regions, as it will be better explained in the remainder of the paper). And while these two Italian referenda are hardly comparable with the *Brexit* and Catalonia examples – because of a quite different overall context – they are worth a more thorough scrutiny as part of the general debate on comparative regionalism. The objective of this contribution is thus to discuss the referenda in the Norther Italian regions and offer an analytical account of their legal and constitutional underpinnings. The article is divided in three parts. Paragraph 1 offers a brief overview of Italian regionalism to help better situate the specific debate on increased autonomy; paragraph 2 extensively studies the two referenda, while paragraph 3 provides a cursory comparative account of differential and asymmetrical regionalism.

1. Brief overview of Italian regionalism. The use of referenda

1.1. Italian regionalism

In comparative public law scholarship, Italy is commonly defined as an example of *regional* state: in fact, the republican constitution of 1948 created a unitary, yet decentralized, system of government composed not only of central institutions but also of regions, provinces and municipalities, all enjoying autonomous statutes, powers and functions pursuant to article 114(1) Const.[1]

Historically speaking, the regional state was first introduced by the Spanish republican constitution of 1931, considered as the "pioneer text of European regionalism" and later

used by the Italian constituents as the model for the regional state created in 1948 (Bin & Falcon 2012: 26). However, due to the short life of the 1931 Spanish constitution (which, because of the civil war, was never actually applied), scholars generally contend that the regional state was "invented" by Italian constituents in search for an alternative route to the traditional *centralized* vs *federal* dyad (Bin & Falcon 2012: 48). In fact, the very expression *regional state* was coined by Gaspare Ambrosini, a member of the Italian Constituent Assembly, who had thoroughly studied the 1931 Spanish constitution (which created autonomous communities endowed with legislative powers), as well as the Soviet Union model and the extinct Austro-Hungarian scheme (Bin & Falcon 2012: 48); Swiss federalism and the Weimar Republic were also comparatively studied at the time (Mangiameli 2014: 3; D'Atena 2014: 68). Spanish regionalism (and Central European) federalism thus played a fundamental role in shaping the Italian regional model created in 1948 (D'Atena 2014: 67). Inspired by these experiences, Ambrosini not only invented the expression *regional autonomy* but he also conceived a new entity enjoying legislative powers: the region (Bin & Falcon 2012: 48).

If the historical origins of the *regional* state are pacifically accepted, more controversial is to define or describe a *regional* state as opposed to a *federal* or even a *unitary* one, since the boundaries between these various models are not always so clear. In general terms, we can say that *regional* systems like Italy blend unitary and federal elements, with centripetal forces remaining predominant: consequently, along with the constitutional recognition of forms of autonomy to regions, there is a stronger emphasis on concepts such as the unity or indivisibility of the state and of national (not regional) sovereignty, among other things.

In any event, because of the profound socio-economic, cultural and linguistic differences that characterized Italy particularly in the post-WWII period, the regional system implemented in 1948 created two categories of regions, *ordinary* and *autonomous*, considering that five of the twenty regions were granted *special* or *autonomous* status. These five *special* or *autonomous* regions are listed in article 116(1) Const. and are: Friuli Venezia Giulia, Sardegna, Sicilia, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste. The reasons that explain this autonomous status are rather complex and multifaceted as they blend political, international, historical, geographical, cultural-linguistic, identity and nationalism issues. First, at the time of their creation these five regions were rather peripheral and, consequently, disadvantaged from a geographical standpoint: in fact, Sicilia

and Sardegna are the two major islands in the South, while Friuli Venezia Giulia, Trentino-Alto Adige and Valle d'Aosta are relatively small regions almost entirely nested in the Eastern and Western Alps, respectively. Furthermore, all of them were (and still are) characterized by the presence of a rather strong identity character in the people inhabiting them, with more or less rooted independentist/autonomist movements, with the three regions in the North also presenting linguistic minorities, in particular French-speaking minorities in Valle d'Aosta, German-speaking minorities in Trentino-Alto Adige and Slovenian-speaking minorities in Friuli Venezia Giulia. Most importantly for Northern regions, however, their autonomous status was also linked to international tensions with – and pressures from – countries such as France, Yugoslavia and Austria. For example, in Valle d'Aosta a lieutenant legislative decree issued in 1945 already granted special protection to the francophone minority, a provision that tried to compensate for the policies of assimilation and "Italianization" implemented during fascism (Rolla 2015: 13-14; Bin & Falcon 2012: 72). Historical, linguistic but especially international political pressures were behind the autonomy of Friuli Venezia Giulia as formalized in 1963: in fact, besides the diversity between the eastern and western parts of the region, controversies existed over the definition of the borders and the status of the city of Trieste (Ferrara & Scarpone 2014: 114; Rolla 2015: 13-14).[II] Finally, international tensions with Austria significantly affected the special status of Trentino-Alto Adige: in fact, the so-called "De Gasperi-Gruber Agreement" (signed in 1946 by Italy and Austria as part of the Paris Peace Conference) granted autonomous legislative and administrative powers to the German-speaking communities in the province of Bolzano/Bozen and to the municipalities of the province of Trento having bilingual (German/Italian) population (Bin & Falcon 2012: 75). Incidentally, Trentino-Alto Adige is further divided into the two autonomous provinces of Trento and Bolzano/Bozen, thus adding an additional layer of specialty to the already differential system in place.[III] It should also be recalled, however, that special forms of decentralization had already been implemented in some of these territories even before the Constituent Assembly and the enactment of the 1948 republican constitution. For example, in 1944 Sicilia and Sardegna were provided with temporary organs, such as a high commissioner (appointed by the Prime Minister) assisted by a regional chamber representative of the various political, economic, union and cultural organizations (Bin & Falcon 2012: 71; Caretti & Tarli Barbieri 2012: 16); furthermore, in 1946 Sicilia was granted

a regional statute, vesting important legislative and administrative autonomy on the region (Caretti & Tarli Barbieri 2012: 17; Bin & Falcon 2012: 71).

The special status enjoyed by the five regions basically granted them additional powers – mainly in the fiscal ambit – so that they could deal more effectively and more autonomously with their intrinsic disparities: with the significant exception of Sicilia, however, this fiscal autonomy has been a gradual achievement in all of them. Differences between special and ordinary regions exist also with regards to their regional *statuti*: in fact, for ordinary regions, statutes are adopted and amended by the Regional Council with no approval of the central government (see article 123(2) Const.)), while the statutes of special regions shall be adopted by constitutional law (article 116(1) Const.).[IV]

While at the time of its implementation it was pacifically accepted, over these past few years the special status of the five autonomous regions has been repeatedly questioned: in fact, in political and academic circles alike, many see this classification between ordinary and special regions as obsolete, especially for the regions in the North, considering that borders and language differences no longer have the importance of the past in the specific context of the European Union, and the Cold War that separated Eastern from Western Europe – of which Friuli Venezia Giulia was one of the bastions – is long forgotten (Rolla 2015: 1-2). However, the five autonomous regions are somehow jealous and proud of their special status and are fighting hard to preserve it: this is particularly true in the North, where the three aforementioned regions – while smaller and less populated than others – are wealthy territories with very high life quality standards that situate them among the richest areas not only in Italy but also in Europe. Most importantly, however, there are legal reasons that make it quite complicated to depart from the *status quo*: in fact, the abolition of the special autonomy would require a constitutional amendment pursuant to the procedure set forth in article 138 Const., not to mention the need to comply with international commitments (especially with regards to Trentino-Alto Adige, as discussed above).

In any event, the regional model created in 1948 was significantly revised and reshaped in 2001 via a constitutional reform that strengthened the legislative and administrative powers of the fifteen ordinary regions, while leaving substantially untouched the powers already vested in the special regions; among other things, this reform intended to reduce the gap in powers and functions between the two groups of regions. The constitutional

reform of 2001 represented the culminating point of a political mobilization (mainly led by the *Northern League* (LN), a political party rooted in the North) begun in the late 1980s-1990s, when the wealthier and more industrialized regions in the North sought to acquire, through increased decentralization and even federalism, more financial and fiscal autonomy, and thus emancipate from the control of the center especially insofar as decisions on economy, infrastructures, taxes and other services were concerned.[V]

1.2. Article 116(3) Const. on differential regionalism

In addition to confirming the classification between autonomous and ordinary regions and reshaping the division of legislative powers between central and regional governments,[VI] the 2001 constitutional reform introduced another, very interesting element of distinction that is particularly relevant for the present discussion and which will be the main focus of this contribution. In fact, article 116(3) Const. now allows ordinary regions to negotiate with the central government particular forms and conditions of autonomy in specific subject matters, including all areas of shared jurisdiction between the state and the regions (as detailed in article 117(3) Const.), as well as the following, specific subject matters normally falling within the exclusive legislative jurisdiction of the central state: organizational requirements of the justice of the peace (article 117(2)(*l*)), general norms on education (article 117(2)(*n*)), and the protection of the environment, eco-system and cultural heritage (article 117(2)(*s*)). More precisely, article 116(3) Const. mandates that:

Additional special forms and conditions of autonomy, related to the areas specified in art. 117, paragraph three and paragraph two, letter l) - limited to the organizational requirements of the Justice of the Peace - and letters n) and s), may be attributed to other Regions by State Law, upon the initiative of the Region concerned, after consultation with the local authorities, in compliance with the principles set forth in art. 119. Said Law is approved by both Houses of Parliament with the absolute majority of their members, on the basis of an agreement between the State and the Region concerned.

Some observations on article 116(3) Const. are in order. First, it is important to note that the Italian legislator of 2001 chose to include this provision on differential regionalism in the same article – article 116 Const. – that reiterates the special status of the five regions and two provinces. Furthermore, the constitutional legislator chose to adopt a rather broad approach, by generally referring to all the 20 subject matters or areas of shared jurisdiction

between state and regions and spelled out in article 117(3) Const., in addition to the 3 specific items of exclusive state jurisdiction of article 117(2) Const. (organization of the offices of the justice of the peace; education; environment and cultural heritage), for a total of up to 23 potential areas where ordinary regions might seek additional forms of autonomy. This choice is commendable as it leaves quite some room to the regions to map their priorities through the negotiation of increased legislative powers. In this regard, article 116(3) Const. also details the procedure that needs to be followed in order to implement differential regionalism: this procedure is rather complex, as it requires the concomitant agreement and approval of several different actors who must all concur in the decision: in fact, the initiative must come from the region concerned after consulting with local authorities, followed by a state law (passed by absolute majority by both houses of Parliament) granting additional competences to the region based upon an agreement previously reached between the regions and the central government (what is usually referred to as *differentiation law*). Finally, financial resources are transferred to the region to carry out the new competences, in compliance with the provisions spelled out in article 119 Const. on fiscal federalism. Technically speaking, this provision simply requires that regional institutions initiate negotiations with the central government based upon a consultation with other local entities, institutions or authorities: this means that no popular consultation on the subject (*eg* referendum) is formally required by the Constitution. I will revert to this point later in the paper.

Italian scholars have identified the rationale behind this provision in the fact that differential regionalism can be particularly useful when confronted with a reality of socio-economic asymmetries or diversified preferences towards the federalization process, since this type of solution can help softening conflicts and tensions that may come into play when such reforms are implemented (Zanardi 2006: 2). Moreover, differential regionalism could be linked to the requests coming from the wealthier areas of the country for an "adjustment of the inter-regional redistribution of resources made by the central government" and thus address the autonomist push coming from certain Regions" (Zanardi 2006: 2), considering that not all ordinary regions share the same positive sentiments towards federal or federal-like solutions. Finally, it could propel "forms of experimentation in the formulation and application of public policies" so that each local area is free to devise the most adequate solution for its own reality (Zanardi 2006: 2). While

certainly innovative and original because of its intrinsic flexibility, the provision on differential regionalism enshrined in article 116(3) Const. has regrettably remained *dormant,* almost forgotten, for a long time, as most (but not all) ordinary regions did not seem to be interested in the opportunity offered to them. The reasons that explain why article 116(3) has been neglected for so long are complex and not always easy to identify. Certainly, the procedure set forth in the article to achieve differential regionalism is quite articulate and not easily applicable, thus maybe discouraging regions from pursuing this avenue. Other reasons are linked to the fact that the 2001 constitutional reform was not unanimously well received, and actually many political parties were dissatisfied with it, including the LN that never fully approved the 2001 constitutional reform, as it considered it not "federal" enough (Mazzoleni 2009: 143). This is why, in 2005 the Italian parliament (led by a center-right majority) passed another reform intending to amend 53 out of 139 articles of the constitution (basically almost the entire second part which details the organization of the Italian Republic) (Pinelli 2006: 329-330; Desideri 2014: 51). Never supported by the left-wing coalition (on the ground that it would break up the country and ran counter other fundamental and entrenched principles such as solidarity) (Mazzoleni 2009: 144; Desideri 2014: 51), this proposal aspired to amend certain critical aspects of the previous reform (such as the absence of a "federal" Senate) (Bin & Falcon 2012: 95). However, because the proposal was approved by the Parliament only with an absolute majority (and not with two-thirds) of the votes, it was submitted to popular referendum in 2006 and, eventually, rejected by 61,3% of the voters (Pinelli 2006: 330; Bin & Falcon 2012: 95).

It was only very recently that attention has sparkled again around article 116(3), as this provision has represented the constitutional basis for the two referenda in Veneto and Lombardia held in October 2017: in other words, it was in pursuance of article 116(3) Const. that Veneto and Lombardia decided to call a referendum to begin negotiations with the central government for increased autonomy although, as noted above, the constitutional provision does not require this form of democratic consultation. However, before discussing these events more in detail in paragraph 2 of the paper, it is perhaps worth offering a quick overview of the institution of referendum in Italy.

1.3. The use of referenda in Italy

In Italy, the institute of referendum is solidly entrenched in the Constitution, and it has been extensively used as a form of direct democracy throughout the years. At national level, the Constitution acknowledges three types of referenda: (i) *abrogative,* used for the abolition – in whole or in part – of a national law (article 75 Const.);[VII] (ii) *constitutional,* used for the approval of constitutional laws and in case of constitutional amendments, if certain conditions exist (article 138 Const.);[VIII] (iii) *territorial,* for territorial changes of municipal, provincial and regional borders (article 132 Const.).[IX]

At regional or local level, article 123(1) Const. simply allows regional statutes to regulate regional or local referenda:[X] as explained by the Italian Constitutional Court ("ItCC"), this means that each region can establish forms and criteria for democratic participation, including the introduction of new types of referenda than those established in the constitution, or the calling to vote of individuals that would not usually be entitled to vote in normal elections or who are not Italian citizens (ItCC ruling 118/2015, par. 6). Building upon some past decisions, the ItCC also explained that regions are allowed to organize *advisory* referenda also on issues falling outside regional competences and boundaries – issues thus having a "national" dimension – but regions cannot take on initiatives exceeding the boundaries set forth by the constitution (ItCC ruling 118/2015, par. 5). In fact, the ItCC pointed out that, even when they are not binding (and thus merely advisory), referenda can still trigger, influence or contrast public decisions, so national and regional referenda alike shall always comply with the provisions contained in the constitution or enacted in pursuance thereof (ItCC ruling 118/2015, par. 5). Finally, the ItCC also contended that regional referenda can never involve constitutional choices even when they are merely advisory (ItCC ruling 118/2015, par. 6, citing past decisions). I will discuss this aspect again with regards to the referendum in Veneto.

2. The referenda in Veneto and Lombardia

2.1. Veneto

Before discussing the referendum question as presented in October 2017, it is perhaps worth underlying how this was not the first attempt for Veneto to seek more autonomy: in fact, in the aftermath of the constitutional reform of 2001, Veneto and some other

ordinary regions (*eg* Lombardia, Piemonte, Toscana) attempted to initiate a dialogue with the central government to negotiate additional forms and conditions of autonomy pursuant to the procedure enshrined in article 116(3) Const. on differential regionalism and discussed above: these attempts, however, were not successful. For this reason, in 2014, the regional government of Veneto – under the leadership of its President Luca Zaia of the LN – passed two laws (Law 15/2014[XI] and Law 16/2014[XII]) whose constitutionality was immediately challenged before the ItCC by the Italian government. The ItCC grouped the challenges together and rendered a joint decision in ruling 118/2015, as I am going to better explain in the next sections.

2.1.1. Regional Law 16/2014 and ItCC ruling 118/2015

Regional Law 16/2014 was particularly instructive – also in comparative terms – because it set the scheme for an advisory referendum on the secession of Veneto from Italy, so that Veneto could become an independent and sovereign republic.[XIII] In order to understand the reasons behind this referendum question and the desire for secession, it might be useful to point out that, from a historical standpoint, the territory of present-day Veneto was once part of the Most Serene Republic of Venice (*Serenissima Repubblica di Venezia*), an independent and sovereign state that revolved around the leading role of Venice as its major political, cultural and economic center, and that lasted – with alternate fortunes – for about a thousand years from the late VII century until 1797, when its territories were ceded to the Austrian Empire. At the time of utmost splendor, the Republic of Venice included territories that now belong to various Mediterranean states such as Croatia, Albania and Greece. The so-called "Lion of St. Mark" – once the symbol of the Republic of Venice – still prominently displays, in formal and informal settings, in the regional flag of Veneto as a symbol not only of the past splendors of Venice but also of Veneto.[XIV] Immediately before the unification of Italy in the 1860s, the territory roughly comprising the two regions discussed in this contribution – Veneto and Lombardia – and known as *Lombardo-Veneto,* was a province of the Austro-Hungarian empire. In other words, Veneto (as part of the Republic of Venice) has a long-standing and successful history of independent statehood, and nationalism sentiments are still quite strong among certain strands of the population. To be sure, these sentiments have resurfaced only recently, as before the mid-1980s they were rather weak, due to the rise and decline of a

"white" political culture triggered by secularization and the decline of the Christian Democratic party: it was only with the emergence of the LN at national level in the mid-1980s and early 1990s that pro-independence claims reappeared in Veneto.

As expected, Regional Law 16/2014 was declared unconstitutional by the ItCC, mainly because it pertained to fundamental choices of constitutional nature that are precluded to regional referenda as discussed above (ItCC ruling 118/2015, par.7.2). Furthermore, the ItCC continued, the secession question also implied institutional upheavals that are radically incompatible with the fundamental principles of unity and indivisibility enshrined in article 5 Const. (ItCC ruling 118/2015, par.7.2). In fact, this article provides that

> The Republic is one and indivisible. It recognizes and promotes local autonomies, and implements the fullest measure of administrative decentralization in those services which depend on the State. The Republic adapts the principles and methods of its legislation to the requirements of autonomy and decentralization (emphasis added).

Recalling a 1988 decision, the unity of the Italian Republic is for the ItCC one of those essential and fundamental values that are not only outside of the scope of regional referenda, but also of constitutional amendment altogether (ItCC ruling 118/2015, par.7.2). Consequently, even if article 5 Const. postulates institutional pluralism and autonomy, regions can never ask citizens via referendum to secede from Italy: in other words, any referendum that is contrary to the unity of the Italian Republic would never be considered legitimate (ItCC ruling 118/2015, par.7.2). In some way, it is surprising that the ItCC considers the unity of Italy as unamendable: in fact, technically speaking, article 139 Const. explicitly excludes from constitutional amendment only the Republican form of State, a choice that was justified in 1948 as a drastic depart from the legacy of monarchical and dictatorial status that had characterized Italy in the previous decades.[XV]

2.1.2. Regional Law 15/2014 and ItCC ruling 118/2015

Regional Law 15/2014 was slightly more articulated: article 1 provided for a negotiation between the Regional President and the national government to define the contents of an advisory referendum on the acquisition of additional forms and conditions of autonomy for Veneto (ItCC ruling 118/2015, par.8.1). In case of unsuccessful

negotiations, article 2 authorized the Regional President to call for an advisory referendum on five different yet related questions, as detailed herewith below.

Question #1 intended to ask citizens of Veneto whether they would be in favor of additional forms and conditions of autonomy for the region (ItCC ruling 118/2015, par.8.1). Although this question, as penned in Law 15/2014, failed to specify the subject matters on which to seek more autonomy, and made no explicit reference to article 116(3) Const., the ItCC upheld it in its ruling since it echoed – in very basic terms – the tone and wording of article 116(3) Const.: in other words, the fact that the language used was almost identical to the constitutional provision was enough for the ItCC to conclude that the only additional forms and conditions of autonomy that Veneto could seek were those in compliance with the constitutional provision of article 116(3) (ItCC ruling 118/2015, par.8.3). Similarly, an eventual referendum would simply precede – without excluding – the various steps set forth in article 116(3) to seek differential regionalism (ItCC ruling 118/2015, par.8.3).

Conversely, questions #2[XVI] and #3[XVII] were both struck down by the ItCC as unconstitutional: both questions dealt with fiscal issues and delineated a financial scheme whereby revenues levied locally (in the territory of Veneto) or paid by citizens resident in Veneto should be kept locally for at least 80% and, in the portion cashed by the central government, at least 80% should be used locally (ItCC ruling 118/2015, par.8.4). Among other things, the ItCC argued that the two questions would infringe upon the constitutional principles of coordination of public finance and fiscal matters; moreover, fiscal and financial matters are also excluded from regional referendum by an express provision contained in the Veneto regional statute (ItCC ruling 118/2015, par.8.4).[XVIII]

Question #4[XIX] concerned the removal of all allocation constraints still existing on the financial resources belonging to the region. For the ItCC, this question touched upon article 119(5) Const. on fiscal federalism,[XX] and thus upon a constitutional principle that is excluded from referendum, as discussed above; furthermore, as for the two previous questions, it also falls outside of the scope of regional referenda by an express provision of the regional statute of Veneto as it deals with fiscal issues (ItCC ruling 118/2015, par.8.5).

Finally, question #5 asked whether Veneto should acquire special status and thus be added to the list of existing autonomous regions.[XXI] Also in this case, the ItCC declared the unconstitutionality of this question, as it touched upon a fundamental constitutional issue

falling outside the scope of a regional referendum (ItCC ruling 118/2015, par.8.6). In this regard, it shall be pointed out that, geographically speaking, Veneto borders two autonomous regions, Trentino-Alto Adige and Friuli Venezia Giulia (this three-region territory is also informally referred to as *Triveneto* or *Tre Venezie*) and it has suffered for a lack of special status also considering its past history of independent statehood as Republic of Venice.

2.1.3. The referendum of 22 October 2017

Regional Law 15/2014, in the part upheld by the ItCC, represents the legal foundation for the advisory referendum of 22 October 2017.[XXII] Among other things, Law 15/2014 set a *quorum* for its validity, as it required the participation of a majority of those entitled to vote and the majority of votes cast in favor. The exact question asked at the referendum was: *Do you want that additional forms and conditions of autonomy be attributed to Veneto?* Because 57,2% of the electors having the right to vote eventually participated in the referendum, the *quorum* was met, with an overwhelming 98,1% of the votes cast in favor of more autonomy.[XXIII]

Incidentally, regional Law 15/2014 also served as the legal basis for another referendum that was held on the same day in the sole province of Belluno, seeking the advisory opinion of citizens to negotiate more powers and fiscal autonomy for this province because of its specialty: also in this case there was an overwhelming majority of votes in favor of autonomy: 98,7% of the votes cast.[XXIV]

According to the *Roadmap for the autonomy of Veneto* ("Roadmap") prepared by regional institutions, the day after the referendum the regional government created a council for the autonomy of Veneto (*Consulta del Veneto per l'Autonomia*) as a permanent board in support of the regional negotiating delegation.[XXV] On 15 November 2017, the Regional Government passed Bill 43 (*progetto di legge statale*), representing the point of departure for the negotiations with the central government.[XXVI] In this regard, the regional government heard representatives from various entities and bodies, including civil society, associations of specific professions, representatives of local self-governments, etc.[XXVII] As explained in the *Roadmap,* with the aforementioned Bill, the regional government intended to seek the recognition of additional forms of autonomy in all the 23 subject matters listed in article 116(3) Const. However, some subject matters could be given priority and be discussed

first; furthermore, for some areas, the *Roadmap* clarified that Veneto might participate in the discussions already ongoing with other regions.[XXVIII]

On 1 December 2017 the regional government of Veneto began negotiations with the central government in Rome at the seat of the Ministry of Regional Affairs to provide the list of 23 subject matters that would represent the basis for further discussions, the objective being to have a final framework document ready by the end of January 2018; in this regard, the plan was to join the discussions already ongoing with Lombardia and Emilia-Romagna (see *infra*) on areas such as the environment, job related issues and education, while healthcare would represent a priority for Veneto.[XXIX] In early January 2018, Luca Zaia announced that negotiations were progressing and that the signature of a pre-agreement was expected to take place soon.[XXX] At the end of February 2018, the President of Veneto and representatives of the central government signed a framework pre-agreement: with this document, the central government committed to continue the negotiations to implement differential regionalism in Veneto as soon as the new institutional organs would be formed after the national political elections of 4 March 2018.[XXXI]

2.2. Lombardia

Lombardia does not share the same grandiose past of independent statehood as Veneto, but some cities such as Milan, Pavia, Mantua or Monza have historically been extremely vibrant cultural, artistic, political and economic centers, at times enjoying a certain degree of autonomy.[XXXII]

As indicated *supra*, Lombardia was among the group of regions that, in the aftermath of the constitutional reform of 2001, had started unsuccessful negotiations with the central government to acquire additional forms and conditions of autonomy within the constitutional framework of differential regionalism enshrined in article 116(3) Const. Since the answers received by the central government in this regard were considered unsatisfactory, in February 2015 the regional government led by LN member Roberto Maroni passed a bill to hold a referendum for more autonomy, so as to strengthen the democratic legitimacy of these requests and have more negotiating powers before the central government.[XXXIII] Differently than Veneto, however, the Regional Law did not set a *quorum* for the validity of the referendum, meaning that it would be valid regardless of the

voting turnout. The referendum saw the participation of 3.017.707 voters, or the 38.34% of those entitled to vote, 95.29% of which expressed their votes in favor of more autonomy.[XXXIV] Although also in this case there was an overwhelming majority of electors casting a vote in favor of more autonomy, the outcome of this referendum was not identical to that of Veneto – as it might appear at first sight – for at least two reasons: first, the percentage of people who voted was significantly smaller than in Veneto (38.34% vs 57.2%) and, secondly, in the city of Milan (the largest city in Lombardia and one of the most important industrial and economic centers in Europe) only a small percentage of electors casted a vote.[XXXV]

In any event, the question asked at the referendum read as follows: *Considering its specialty, and within the framework of national unity, do you want that Regione Lombardia undertakes the necessary institutional steps to ask the government the attribution of additional forms and conditions of autonomy, with the related resources, pursuant to article 116(3) Const., and on any legislative subject matter for which such procedure is allowed in the aforementioned article?*[XXXVI]

The first thing to note regarding the referendum question in Lombardia is that it was much more articulated and elaborated than the one presented in Veneto. The question opened with an explicit reference to an alleged *specialty* of the region, something that the regional government explained by resorting to the important structural, social, economic, cultural features and numerous potentialities that characterize this territory.[XXXVII] Among the various indicators used to explain this specialty, the regional government particularly emphasized the following: (i) significant fiscal balance; (ii) *per capita* GDP higher than the EU average; (iii) excellent health system; (iv) national export; (v) lowest *per capita* debt; and (vi) efficiency and soundness of public administration at municipal, provincial and regional levels.[XXXVIII] As it is obvious, these indicators refer to the unique socio-economic fabric of the region to explain its specialty or uniqueness, and not to linguistic or otherwise ethno-cultural features. With specific regards to fiscal balance (*residuo fiscale*), this is explained as the difference between the taxes that citizens pay to the central government and the amount that the central state gives back to the regional territory: in Lombardia, this fiscal balance amounts to EUR 54 billion per year (more than double of the current regional budget of EUR 23 billion).[XXXIX] In case of positive voting turnout in the referendum, the objective of the regional government is to keep locally at least half of the fiscal balance

(EUR 27 billion) so as to finance the new competences acquired after successful negotiations with the central government.[XL]

Finally, the referendum question made reference to the framework of national unity: in this regard, the regional government clarified that, differently than Catalonia, what was sought in Lombardia was not secession from the central state but simply the attainment of additional and differential autonomy pursuant to the constitutional provision enshrined in article 116(3).[XLI]

In the aftermath of the referendum, the regional government formally initiated negotiations with the central government: the first step in this direction was taken on 7 November 2017, when the regional government passed Resolution 97 with Decision X/1645, offering the Regional President some guidelines to follow during institutional negotiations, thus setting out the priorities in terms of areas or subject matters where more autonomy is sought.[XLII] More specifically, the information sheet prepared by regional institutions explains that Resolution 97 contains guidelines with reference to the 23 specific competences spelled out in article 117 Const. and grouped them into the following six major areas:[XLIII]

(1) **Institutional** – comprising subject matters such as international and EU relations of the region; communications; organization of the justice of the peace

(2) **Financial** – comprising subject matters such as coordination of public finance and taxation system; complementary and supplementary social security; savings banks, rural banks, regional credit institutions, regional land and agricultural credit institutions

(3) **Environment, territory and infrastructure** – comprising subject matters such as protection and enhancement of the environment and eco-system; disaster relief (*Protezione Civile*); land use planning; national production, transportation and distribution of energy; large transportation and navigation networks; civil ports and airports

(4) **Economy and jobs** – comprising subject matters such as work protection and safety; scientific and technologic research and innovation; support for productive sectors; foreign trade; professions

(5) **Culture, education and scientific research** – comprising subject matters such as general provisions on education (article 117(2)(*n*); education (subject to the

autonomy of educational institutions and with the exception of vocational education and training); enhancement of cultural properties and promotion of cultural activities; sports

(6) **Welfare** – comprising subject matters such as health protection and nutrition

Furthermore, and similarly to what happened in Veneto, Resolution 97 required a specific commitment towards the relationship with local self-governments and the settlement of the internal institutional system; it also adopted several suggestions made by the parties previously heard, including (but not limited to) *Confartigianato, Coldiretti, Confagricoltura, Confcommercio, Confindustria, Unioncamere* and *Conord.*

Negotiations between Lombardia and the central government officially started in mid-November 2017 and are ongoing: in this regard, Lombardia joined Emilia-Romagna at the discussion table (later joined also by Veneto, as discussed *supra*).[XLIV]

2.3. The case of Emilia-Romagna and concluding remarks

As indicated above, article 116(3) Const. on differential regionalism does not require a preliminary referendum for ordinary regions to begin negotiating with the central government additional forms and conditions of autonomy: in this regard, the choice of the regional governments of Veneto and Lombardia to proceed with the referendum option in October 2017 was political and deliberate, to strengthen their claims and their negotiating positions before the central government. This can also be partly explained by the fact that, as mentioned above, the presidents of the two regions, Roberto Maroni in Lombardia and Luca Zaia in Veneto, are both members of LN, a political party that has historically advocated more autonomy for regions and a more robust fiscal federalism, among other things.

While the focus of this contribution are the two referenda in Veneto and Lombardia, we also made reference to the path to differential regionalism initiated by Emilia-Romagna. In fact, also this region is currently negotiating additional forms and conditions of autonomy in key strategic areas pursuant to article 116(3) Const., although it has done so without resorting to an advisory referendum. The goal of the regional government of Emilia-Romagna is to seek more legislative and administrative autonomy so as to directly manage some subject matters that are fundamental for the additional social and economic growth of its territories, and to simplify administrative procedure and decisional

mechanisms in the following four strategic areas: (i) jobs and vocational training; (ii) enterprises, research and development; (iii) health care; (iv) land-use planning and environment. The objective of this strengthened autonomy is to help improve the standard performances of regional and local institutions and thus benefit the whole regional community (including citizens, business activities, local self-governments, associations and vocational agencies) by adopting a subsidiarity-based approach to the performance of relevant functions by bringing them closer to localities.[XLV]

3. Comparative perspectives: article 116(3) Const. on differential regionalism and the so-called *principio dispositivo* in the Spanish autonomic state

As explained *supra,* the provision on differential regionalism enshrined in article 116(3) Const. was one of the most interesting novelties introduced with the constitutional reform of 2001: because not all regions shared the same positive sentiments towards federalism, this provision gave the possibility to acquire additional forms and conditions of autonomy only to those territories which were truly interested in it. We also noted that it was only very recently that the actual possibilities offered by this provision have been tested, since for a long time this article has remained neglected. It is thus too early to assess the actual value of differential regionalism considering that the negotiations between the central government and Veneto, Lombardia and Emilia-Romagna are still ongoing.

In any event, while the provision enshrined in article 116(3) Const. is quite unique in the overall landscape of federal and quasi-federal arrangements, a parallel can nonetheless be made with the so-called *principio dispositivo* found in the Constitution of the Spanish autonomic state, also in light of the reciprocal influence that the Spanish and Italian regional models have historically exerted on each other. Simply put, the *principio dispositivo* provides that each autonomous community ("AC") may decide which legislative competencies it will assume among those that are constitutionally possible under the Spanish constitution. In Spain, the territorial distribution of legislative powers is – at least on paper – very asymmetrical, as these powers are not constitutionally enshrined (as it happens in the various paragraphs of article 117 of the Italian constitution) but are based

on the various statutes of autonomy (*estatutos de autonomia*) of the single ACs, individually negotiated with the central government.

In this regard, article 149(1) of the Spanish Constitution lists all subject matters of exclusive jurisdiction of the central state; in doing so, it uses an expression that, translated into English, can be rendered as "[t]he State shall have exclusive jurisdiction over ...".[XLVI] Article 149(3) Const. mandates that all matters that are not expressly assigned to the State by the Constitution "may fall under the jurisdiction of the autonomous communities by virtue of their Statutes of Autonomy".[XLVII] However, article 149(3) continues, jurisdiction on subject matters not claimed by the ACs "shall fall with the State, whose laws shall prevail, in case of conflict, over those of the autonomous communities ...".[XLVIII]

Most importantly, article 148 of the Spanish constitution enumerates the subject matters devolved to the ACs by using an expression that in English could be rendered as follows: "[t]he Autonomous Communities may assume competences in the following areas ..."[XLIX] thus giving them an option to autonomously legislate on a number of areas that they might consider relevant in light of their unique needs. However, once agreed upon, this transfer of legislative responsibilities is virtually final, since statutes of autonomy can be modified only through the procedures established therein: in this regard, article 148(2) provides that, after 5 years, ACs will be able to expand their competencies only by amending their statutes and within the framework laid down in article 149.

While the *principio dispositivo* and the provision on differential regionalism are slightly different, they reflect the same rationale: offering territories with asymmetrical features and needs to choose in which areas to legislate locally. In fact, both Italy and Spain are deeply asymmetrical under many aspects, so both regional systems contain flexible mechanisms such as the ones discussed here to better deal with their cleavages. Furthermore, the two principles can be seen as instances of what is usually referred to as "asymmetrical" federalism (or, in this case, regionalism) (Tarlton, 1965: 861; Rolla 2015: 3-4). However, asymmetry and special status are conceptually different even if they are often considered identical, and both are ascribable to an idea of regionalism rivaling uniformity (Rolla 2015: 3-4). In fact, Rolla contends that the concept of regional specialty (typical of the Italian model) can be traced back to a number of historical legal, political, cultural factors that endure in the present and that can be projected in the future; conversely, asymmetry is a consequence of the "dispositive power" that is "embedded in the very notion of

constitutional autonomy" and that supposes some discretion in identifying a given community, the competences it is called to exercise, and its specific organization, although both quantitative and qualitative aspects of this asymmetry shall also be grounded in a number of social, cultural and economic differential factors (Rolla 2015: 4).

4. Conclusion

The two Italian referenda discussed in this paper were organized in regions that are amongst the wealthiest and economically successful not only in Italy but also in Europe. These referenda were the culminating point of movements for more autonomy that had started well before, and that wished to express a desire for increased powers and to emancipate from a central government that is perceived as distant and incapable of taking adequate care and respond to the needs of these territories. In any event, it is not certain how things will evolve both for Veneto and Lombardia: the situation is still *in fieri* and, while at the time we are writing negotiations are ongoing, it is unclear to what extent the two regions will be successful in their claims. Among other things, Italy is undergoing a profound political, economic and moral crisis, and regional claims – especially when coming from the North – are not on the priority list. But ignoring or dismissing these aspirations as mere expressions of greed does not eliminate them but simply strengthen them for future action.

Finally, it should be acknowledged that finding an effective solution to current challenges requires more than legal or doctrinal tricks, or a ruling of the CJEU. Upholding constitutionalism requires an intervention in the societal and cultural dimension too. The EU is not the only player in the field. It is therefore crucial that national actors perceive its intervention as legitimate and objective, otherwise it may become counterproductive. In order to avoid this, EU institutions should be careful not to overstep the boundaries of the current constitutional settlement, including the principle of national and constitutional identity.

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[1] More precisely, article 114(1) Const., as amended in 2001, mandates that '[t]he Republic is composed of municipalities, provinces, metropolitan cities, regions and the state. Municipalities, provinces, metropolitan

cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution.'

[II] The capital city of Friuli Venezia Giulia is Trieste. In 1948, Trieste and its territory were divided into two zones: zone A (comprising the city of Trieste and some neighboring municipalities) and zone B (the territory of present-day Istria and Slovenia). The *Memorandum of Understanding* between Italy, United Kingdom, United States, and Yugoslavia – signed in London in 1954 – granted the administration of zone A to Italy, whilst Yugoslavia was granted the administration of zone B. However, although zone A was under Italian *administration*, it was not under Italian *sovereignty*: this situation was resolved only with the ratification in 1975 of the Treaty of Osimo defining present-day borders (Bin & Falcon 2012: 75-76).

[III] The autonomous status of these two provinces (a consequence of the reception by Italy of the agreements between the Italian and Austrian governments and included in the peace agreements following WWII, as previously noted) is a unique feature, as no other province in Italy enjoys similar privileges: among other things, the *statuto* of Trentino-Alto Adige (articles 8-10) endows these provinces with legislative powers in enumerated areas – thus making them *de facto* more similar to regions than to other Italian provinces (which lack any power to make *provincial* laws)(Rolla 2015: 13-14).

[IV] More specifically, article 123 Const. provides that: '[e]ach Region shall have a statute which, in compliance with the Constitution, shall lay down the form of government and basic principles for the organization of the Region and the conduct of its business. The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations. Regional statutes are adopted and amended by the Regional Council with a law approved by an absolute majority of its members, with two subsequent deliberations at an interval of not less than two months. This law does not require the approval of the Government commissioner. The Government of the Republic may submit the constitutional legitimacy of the regional statutes to the Constitutional Court within thirty days of their publication. The statute is submitted to popular referendum if one-fiftieth of the electors of the Region or one-fifth of the members of the Regional Council so request within three months from its publication. The statute that is submitted to referendum is not promulgated if it is not approved by the majority of valid votes. In each Region, statutes regulate the activity of the Council of local authorities as a consultative body on relations between the Regions and local authorities.'

[V] It is not the purpose of this contribution to offer a detailed account of the 2001 constitutional reform, as an abundant literature – both in Italian and English – already exists. The reader who is interested in learning more about it can resort to the bibliography for additional sources on the subject.

[VI] Article 117(1) Const., as modified in 2001, indicates that legislative powers are vested in the central and regional governments. Article 117(2) Const. lists the subject matters exclusively assigned to the legislative powers of the central government. Article 117(3) Const. enumerates the subject matters of shared jurisdiction between central and regional governments, and article 117(4) Const. assigns to regions all residual legislative powers (*eg* powers not explicitly assigned to either level of government by the constitution). The list of subject matters of shared jurisdiction as spelled out in article 117(3) Const. is rather comprehensive, as it includes the following: international and EU relations of the Regions; foreign trade; job protection and safety; education (subject to the autonomy of educational institutions and with the exception of vocational education and training); professions; scientific and technological research and innovation support for productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; harmonization of public accounts and co-ordination of public finance and taxation system; enhancement of cultural and environmental properties, including the promotion and organization of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. It is worth pointing out that article 117(3) Const. further specifies that, for subject matters of concurring legislation, 'legislative powers are vested in the Regions, except for the determination of the fundamental principles, which are laid down in State legislation'.

[VII] Article 75 Const. provides that '[a] general referendum may be held to repeal, in whole or in part, a law or a measure having the force of law, when so requested by five hundred thousand voters or five Regional Councils. No referendum may be held on a law regulating taxes, the budget, amnesty or pardon, or a law ratifying an international treaty. Any citizen entitled to vote for the Chamber of deputies has the right to vote in a referendum. The referendum shall be considered to have been carried if the majority of those eligible has voted and a majority of valid votes has been achieved.'

[VIII] Article 138 Const. provides that '[l]aws amending the Constitution and other constitutional laws shall be

adopted by each House after two successive debates at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House in the second voting. Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes. A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members.'

[IX]Article 132 Const. mandates that '[b]y a constitutional law, after consultation with the Regional Councils, a merger between existing Regions or the creation of new Regions having a minimum of one million inhabitants may be agreed, when such request has been made by a number of Municipal Councils representing not less than one third of the populations involved, and the request has been approved by referendum by a majority of said populations. The Provinces and Municipalities which request to be detached from a Region and incorporated in another may be allowed to do so, following a referendum and a law of the Republic, which obtains the majority of the populations of the Province or Provinces and of the Municipality or Municipalities concerned, and after having heard the Regional Councils.'

[X] Article 123(1) Const. states that '[e]ach Region shall have a statute which, in compliance with the Constitution, shall lay down the form of government and basic principles for the organization of the Region and the conduct of its business. The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations.'

[XI] Regional Law of 19 June 2014 no. 15 ('Advisory referendum on the autonomy of Veneto').

[XII] Regional Law of 19 June 2014 no. 16 ('Advisory referendum on the independence of Veneto').

[XIII] The exact terms of the question – as drafted in law 16/2014 – were: 'Do you want that Veneto becomes an independent and sovereign republic?'

[XIV] For a depiction of the Lion, see the official website of *Regione Veneto*: https://www.regione.veneto.it/web/guest/home.

[XV] Article 139 provides that '[t]he Republic form shall not be a matter for constitutional amendment.' It might be interesting to confront in this regard the conclusion reached by the ItCC on the secession proposal of Veneto with a similar ruling of the Spanish Constitutional Court on the Catalan secession referendum. In fact, in January 2013 the Catalan Parliament passed a resolution proclaiming that the Catalan people are sovereign and thus have a right to decide their future – in other words, they can freely decide whether to secede from Spain. The reaction of the Spanish government was to bring this Declaration before the Constitutional Court, which rendered its decision in March 2014. Among other things, the Spanish Constitutional Court referred to article 2 Const. proclaiming the indissoluble unity of Spain: for the Court, the Catalan people cannot, legally speaking, be sovereign and, as a result, Spanish regions cannot unilaterally call a referendum of self-determination. However, differently than Veneto – where the ItCC said that the principle of unity enshrined in article 5 Const. is unamendable – the Spanish Court insisted on the fact that the Spanish Constitution (and consequently article 2 on the indissoluble unity of Spain) can always be amended pursuant to the procedures contained therein: this means that, for the Spanish Court, no constitutional principle is immune from amendment, not even principles establishing the unity of Spain and the sovereignty of the Spanish people (Ferreres Comella 2014: 571-590)

[XVI] The terms of question #2 were: 'Do you want that at least 80% of the taxes paid annually by the citizens of Veneto are used locally?'

[XVII] The terms of question #3 were: 'Do you want that Veneto keeps at least 80% of the revenues locally?'

[XVIII] The regional statute of Veneto, contained in Regional Law 1/2012, regulates regional referenda in articles 26 and 27. In particular, article 26(4)(*a*)(*b*) does not allow to call a regional referendum on fiscal and budgetary laws or on regional laws passed in compliance to constitutional, international and EU obligations: see ItCC ruling 118/2015, par. 6.

[XIX] The terms of question #4 were: 'Do you want that the revenues coming from the financial sources be freed from any allocation constraint?'

[XX] Article 119(5) Const. mandates that '[t]he State shall allocate supplementary resources and adopt special measures in favor of specific municipalities, provinces, metropolitan cities and regions to promote economic development along with social cohesion and solidarity, to reduce economic and social imbalances, to foster the exercise of the rights of the person or to achieve goals other than those pursued in the ordinary implementation of their functions.'

[xxi] The terms of question #5 were: 'Do you want that Veneto becomes a special region?'
[xxii] It is perhaps interesting to point out that the date chosen for the referendum both in Veneto and Lombardia – 22 October 2017 – is not accidental but rather has a symbolic importance, as it coincided with the 151st anniversary of the 1866 plebiscite that sanctioned the annexation to the Kingdom of Italy of Venice, the Venetian provinces and Mantua, these territories being part of the Austrian Empire and ceded to France after the Third Independence War.
[xxiii] Based on the information contained in the official website of *Regione Veneto,* the total number of electors having the right to vote was 4.068.560, with 2.328.949 (or the 57,2%) voting: see http://referendum2017.consiglioveneto.it/sites/index.html#!/riepilogo (last checked: 15 January 2018).
[xxiv] See http://referendum2017.consiglioveneto.it/dati/20170000000000/7/reportistica/risultati_prov_belluno.pdf.
[xxv] See Roadmap for the autonomy of Veneto (*Road Map per l'autonomia del Veneto*): http://www.regione.veneto.it/c/document_library/get_file?uuid=ef34a45d-bc2f-4bef-86b0-2839b8a96a98&groupId=10136.
[xxvi] Official Journal of *Regione Veneto* (*Bolletino Ufficiale*) n. 113, 20 November 2017, available here: https://bur.regione.veneto.it/BurvServices/pubblica/DettaglioDcr.aspx?id=357469.
[xxvii] *Ibid.*
[xxviii] See Roadmap for the autonomy of Veneto (*Road Map per l'autonomia del Veneto*): http://www.regione.veneto.it/c/document_library/get_file?uuid=ef34a45d-bc2f-4bef-86b0-2839b8a96a98&groupId=10136.
[xxix] *Regione Veneto*, Press Release of 1 December 2017, available here: http://www.regione.veneto.it/web/autonomia-veneto/comunicati-stampa.
[xxx] *Regione Veneto*, Press Release of 10 January 2018, available here: http://www.regione.veneto.it/web/autonomia-veneto/comunicati-stampa.
[xxxi] See *Regione Veneto*, Press Release of 28 February 2018, available here: http://www.regione.veneto.it/web/autonomia-veneto/comunicati-stampa. Incidentally, political elections were held in Italy on 4 March 2018: at the time we are writing, an executive yet has to be formed.
[xxxii] For a more detailed analysis of the peculiar history of Lombardia and of its 'apolitical' culture, it might be helpful to consult Galli della Loggia 2010, in particular chapter 3 ("Le Mille Italie")
[xxxiii] *Regione Lombardia*, 10 questions on the autonomy referendum, slide 2, available here: http://www.regione.lombardia.it/wps/wcm/connect/ed35c93b-4aa2-410d-a69e-d00d3a506bc5/10+domande+sul+Referendum+per+l%27autonomia.pdf?MOD=AJPERES&CACHEID=ed35c93b-4aa2-410d-a69e-d00d3a506bc5.
[xxxiv] *Regione Lombardia*, official data on referendum available here: http://www.regione.lombardia.it/wps/portal/istituzionale/HP/DettaglioRedazionale/istituzione/autonomia-della-lombardia/referendum-autonomia/referendum-affluenza-risultati.
[xxxv] According to the data available on the official website of *Regione Lombardia*, the total number of voters in the metropolitan city of Milan was 769.277, whereas in the city of Milan only 270.017 residents casted a vote. See https://referendum.regione.lombardia.it/#/coc/100000/103000/103073.
[xxxvi] *Regione Lombardia*, 10 questions on the autonomy referendum, available here: http://www.regione.lombardia.it/wps/wcm/connect/ed35c93b-4aa2-410d-a69e-d00d3a506bc5/10+domande+sul+Referendum+per+l%27autonomia.pdf?MOD=AJPERES&CACHEID=ed35c93b-4aa2-410d-a69e-d00d3a506bc5.
[xxxvii] *Regione Lombardia*, 10 questions on the autonomy referendum, slide 8, available here: http://www.regione.lombardia.it/wps/wcm/connect/ed35c93b-4aa2-410d-a69e-d00d3a506bc5/10+domande+sul+Referendum+per+l%27autonomia.pdf?MOD=AJPERES&CACHEID=ed35c93b-4aa2-410d-a69e-d00d3a506bc5.
[xxxviii] *Ibid.*
[xxxix] *Ibid.,* slide 9. As the slide further explains, this is the highest fiscal balance among Italian regions, followed by Emilia-Romagna (EUR 19 billion) and Veneto (EUR 15.5 billion). It further explains that two of the most competitive regions in Europe, Bavaria and Catalonia, have a fiscal balance of EUR 1.5 billion and EUR 8 billion, respectively.
[xl] *Ibid.*, slide 9.
[xli] *Ibid.*, slide 10.

[XLII] *Regione Lombardia*, Information Sheet (a): http://www.regione.lombardia.it/wps/portal/istituzionale/HP/DettaglioRedazionale/istituzione/autonomia-della-lombardia/risoluzione-per-autonomia-lombardia.
[XLIII] *Ibid.*
[XLIV] *Regione Lombardia*, Information Sheet (b): http://www.regione.lombardia.it/wps/portal/istituzionale/HP/DettaglioRedazionale/istituzione/autonomia-della-lombardia/avviati-tavoli-autonomia.
[XLV] See official website of *Regione Emilia-Romagna* on increased autonomy, available here: https://www.regione.emilia-romagna.it/autonomiaer detailing, among other things, the objectives, steps, resources and progress of the application of article 116(3) Const.
[XLVI] In Spanish, '*[e]l Estado tiene competencia exclusiva sobre las siguientes materias ...*'
[XLVII] In Spanish, '*[l]as materias no atribuidas expresamente al Estado por esta Constitución podrán corresponder a las Comunidades Autónomas, en virtud de sus respectivos Estatutos*.'
[XLVIII] In Spanish, '*[l]a competencia sobre las materias que no se hayan asumido por los Estatutos de Autonomía corresponderá al Estado, cuyas normas prevalecerán, en caso de conflicto, sobre las de las Comunidades Autónomas ...*'
[XLIX] In Spanish, '*Las Comunidades Autónomas podrán asumir competencias en las siguientes materias...*'

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