1. Constitutional changes, an increasingly frequent phenomenon, are becoming a device employed for partisan purposes and it appears that such changes have been poorly designed. The outcome may be a de-legitimisation of public authority and of the constitution itself. It is important, therefore, to ensure that constitutional changes are executed in an inclusive fashion. It would be simplistic to say that the approval by the Chamber of Deputies of the government's reform of the Constitution is a victory for Prime Minister Matteo Renzi. First and foremost, the process is still long and difficult before the law takes effect. Secondly, such a delicate reform cannot be reduced to a wrestling match between the prime minister and his varied opposition. The reform brings much more than the reform of the two-chamber system. In addition to the transformation and the downsizing of the Senate, the bill includes among other issues the long-awaited reform of Title V of the Constitution that disciplines regional powers.

2. In a comparative perspective with the ongoing constitutional reform in Italy (d.d.l. cost. n. 2613), the principles able to maintain a coherent territorial systems are: the principle of responsibility and a clear coordination role for the State. The first principle in the Italian system is strongly interconnected with how the art.117 Cost is drafted. It contain the list of the legislative powers allocated between the State and the Regions. Not only this list lack of a good constitutional drafting, generating an increase of the State-Regions conflicts in front of the Constitutional Court, but also the so-called concurrent competence has been poorly implemented at the central level. Always concerning the responsibility principle the Italian case shows how is important to balance legislative powers with fiscal powers allocates at the sub-state level. One of the most relevant reasons why the system is not working and requires a reform is because is based on a model of representation without taxation: after the decree law n.42/2009 on the fiscal federalism no more acts have been adopted).

3. On the other hand, the Italian case shows in different ways how much is important having in some areas a strong State coordination. The Constitutional Court, in the decision n. 273/2013 has condemned the State on the base of not implementing the Lea (essential level of services) in the local social transports. In second place, a coordination would be required in designing the local authorities map and in the application of the principles of subsidiarity, differentiation and proportion ex art. 118 cost. Thinking of the perspective of English devolution, Italy can be assumes as a case study to not be followed: the administrative dimension of local government has been badly drafted and even more badly implemented. After the 2001 reform, in combination with the ordinary law n.46/2014, the model lack of transparency and accountability, there several overlapping in terms of competences and is not clear at all “who is responsible for what”.

4. The UK system presents in its dna a strong level of de facto asymmetry that has been, during the years, transformed in a de jure asymmetry. In the debate on the Wales
reserved powers model is possible to see a new phase of “symmetry” between devolved territorial levels. Instead, looking at England, the possible evolution of the devolved areas would increase the asymmetry within England itself. The complex UK devolved system, as a continental observer, looks constantly shifting from asymmetry to symmetry in a very unstable way. Probably that is possible because of the unwritten nature of the UK Constitution, allowing “politics” be more free respect other continental countries.

5. What a comparative analysis can teach is also that sub-state entities have to be studied not only in terms of the “powers” they have according with the constitutional framework, but also looking at the “functions”. As many scholars have pointed out it is a matter to rethink the “reasons of the regions”. In this light which is the territorial optimal size to allocate a certain function become a big issue to be taken in consideration.

6. The comparative study of composed States teach also that a very important element for the cohesion of the system is having a Second Chamber to represent the territorial dimension and bring to the centre their requests. The design of second chambers is very difficult to get right. They may be criticised for having too little power, or on the other hand for having too much; for being too democratic, or not democratic enough; for being side lined and irrelevant, or for being a carbon copy of the lower house. When considering why upper house reform has not happened, one of the first answers has to be a lack of clarity over the purpose of the upper house. From an institutional perspective, second chambers are generally considered as providing stability. Hence, they are frequently endowed with constitutional powers and intervene in constitutional revisions. In certain cases, the establishment of second chambers has responded to requests for more democracy and better representation of minorities or territorial entities.

7. The ongoing reform of the Italian Senate. The 31st march the Constitutional reform bill was approved in the second reading by the Lower Chamber. The positive vote came seven months after the first approval by the Senate in August 2014. In terms of contents, the bill approved yesterday by the Lower Chamber confirmed the guidelines already entailed in the first reading. The milestone of the reform is the end of the perfect bicameralism, with the Chamber of Deputies gaining the exclusive right to exert the legislative power in all but very specific topics (on which it will share responsibility with the new Senate composed by regional and local representatives). A more rapid procedure to approve laws, in particular the ones proposed by the government, will overcome one of the key problems of Italian legislative power, which is the extreme slowness in passing laws (given the need to have each bill approved exactly in the same way by the two chambers of the parliament, often in presence of difference majorities). The bill was approved with 357 votes, with 125 deputies opposing the text and 7 abstaining. The 5Star Movement did not take part in the voting session in order to express the deep discontent with the contents of the reform. The government coalition
supported the bill, while Mr. Berlusconi’s Forza Italia, the Northern League, the left-wing party SEL and other smaller parties voted against it. PM Renzi’s Democratic Party was broadly compact in supporting the Constitutional reform bill, with only a dozen of deputies manifestly opposing it. The Constitutional reform bill will now move back to the Senate for the third reading. A final vote (the fourth) is then needed in the Lower Chamber. The two chambers need to approve exactly the same text in order to conclude the parliamentary process. While the two-third qualified majority required to enforce immediately the reform is unlikely to be reached, PM Renzi has already announced that he will seek a confirmation referendum on the Constitutional reform bill. In terms of timing, the third and fourth reading can be completed within the summer and by year-end respectively, while the confirmation referendum will likely take place in 2016.

2 October 2015