

**Master in
Parliamentary procedures
and legislative drafting
(EUPADRA)**



Course Syllabus

Academic Year 2016/17

Course Title: Subnational Parliaments

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Course description

The course provides a general overview of the constitutional role, autonomy, organisation and functions of subnational parliaments in regional and federal experiences.

The issue is addressed by highlighting the influence that the type and nature of decentralisation between the central State and territorial entities exercise on the institutional nature and place of subnational representative assemblies.

The course is divided into two parts.

The First Part offers a general approximation to the constitutional identity of subnational parliaments, including experiences from both EU and extra-EU Member States. It is meant to analyse the conditions of autonomy, the internal composition and organisation of subnational assemblies. A specific insight is provided on the functions exercised by subnational parliaments, moving from the analysis of the traditional legislative function to the consideration of the non-legislative functions.

The Second Part of the course is instead focused on the place of subnational parliaments in EU Member States. Its aim is to deepen the functions exercised by subnational parliaments in the multilevel cooperation, both in the relationship with the European Union and in the vertical cooperation with the central State, at national level. The final lessons provide an insight on different national cases, respectively witnessing the role of subnational assemblies in two distinct types of federalism (Germany and France), in two cases of differentiated regionalism (UK and Spain) and in a model of advanced regionalism (the Italian case).

The course will be integrated with two guest seminars involving experts of the field and officers of subnational parliaments providing a direct insight on the role of such assemblies.

Assessment

Students will be asked to write two short papers (between 2,000 and 3,000 word each), on two different topics, to be selected together with the instructors, related to each of the two Parts of the Course.

Course Structure

	Topic	References
Class 1	<p>Introduction to the place of subnational parliaments in the regional/federal architecture</p> <p>The historical paths (aggregative vs disaggregative) towards regionalism/federalism</p> <p>An overview of the main features/differences among regionalism and federalism</p> <p>Methodological remarks on how to study subnational parliaments in the regional/federal architecture</p> <p>General remarks on the institutional nature, role and functions of subnational parliaments in regional/federal experiences</p>	<ul style="list-style-type: none"> • L. Besselink et al. (Eds.), <i>Constitutional Law of the EU Member States</i>, Deventer, Kluwer 2014. Selected parts • S. Choudhry, N. Hume, <i>Federalism, devolution and secession: from classical to post-conflict federalism</i>, in T. Ginsburg, R. Dixon (Eds.), <i>Comparative Constitutional Law</i>, Cheltenham, Edward Elgar Publishing, 2011
Class 2	<p>The autonomy of subnational parliaments</p> <p>The statutory autonomy: the adoption of Rules of procedures and other written rules</p> <p>The organisational autonomy: standing committees, ad hoc committees, the plenum</p> <p>The administrative autonomy: the internal administrative hierarchy; the status of the personnel</p> <p>The jurisdictional regime of internal decisions/acts</p> <p>Autonomous or sovereign assemblies? Analysis of jurisprudential cases from regional/federal experiences</p>	<ul style="list-style-type: none"> • E. Álvarez Conde, L. Pegoraro, A. Rinella (Eds.) <i>Regional Councils and Devolved Forms of Governments</i>, Bologna, Clueb. Selected parts • G. Alan Tarr, <i>The Place of State Legislatures Under State Constitutions</i>, in <i>The Legislative Lawyer</i>, No. 18, 2004 • C. Fasone, <i>What Role for Regional Assemblies in Regional States? Italy, Spain and the United Kingdom in Comparative Perspective</i>, in <i>Perspectives on Federalism</i>, Vol. 4, 2012
Class 3	<p>The non-legislative functions of subnational parliaments</p> <p>The power of initiative (also with regard to popular consultations)</p> <p>The participation at the Constitution amending procedures</p> <p>The scrutiny and oversight powers; the best practices in the evaluation of public policies and monitoring of quality of legislation</p> <p>The access of subnational parliaments to constitutional courts in defence of their competence</p>	<ul style="list-style-type: none"> • B. Caravita, <i>Constitutional revision in federal, hybrid and regional models: A comparison with the European Union</i>, in <i>Federalismi.it</i>, n. 19/2015 http://www.federalismi.it/document/editoriale/EDITORIALE_14102015171114.pdf • Selected chapters from G. Abels, A. Eppels, <i>Subnational parliaments in the EU Multi-level parliamentary system</i>, cit. • Essays from <i>Perspectives on federalism</i>, VOL. 4, ISSUE 1, 2012 (on popular participation in regional States) http://www.on-federalism.eu/attachments/004_004_Volume-4_Issue-1-2012.pdf : <ul style="list-style-type: none"> - <i>Popular Legislative Initiative in the Autonomous Communities</i> (EDUARDO VIRGALA) - <i>The revival of the right to petition in the Statutes of Italian Ordinary Regions</i> (CRISTINA BERTOLINO) - <i>The Legislative Hearings as a Mechanism of Participation</i> (MARIA JESÚS LARIOS)

<p>Class 4</p>	<p>Subnational parliaments in the European Union Brief historical notes on their role in the European integration The participation of subnational parliaments at the Committee of the Regions The distinct place of subnational parliaments in the eight EU Member States whose Regions have legislative power The novelties introduced by the Treaty of Lisbon on the participation of regional parliaments at the early warning mechanism</p>	<ul style="list-style-type: none"> • M. Olivetti, <i>The regions in the EU decision-making processes</i>, in M. Cartabia, N. Lupo, A. Simoncini (Eds.), <i>Democracy and subsidiarity in the EU. National parliaments, regions and civil society in the decision-making process</i>, Bologna, Il Mulino, 2013 • G. Vara Arribas, D. Bourdin (Eds.), <i>The Role of Regional Parliaments in the Process of Subsidiarity Analysis within the Early Warning System of the Lisbon Treaty</i>, European Institute of Public Administration (EIPA) and European Center for the Regions (ECR), presented during the 5th Subsidiarity Conference held in Bilbao on 21 March 2011, available: https://portal.cor.europa.eu/subsidiarity/news/Pages/StudyonRegionalParliamentsandtheEarlyWarningSystem.aspx • S. Alonso de León, <i>Regions and Subsidiarity in the European Union: A Look at the Role of the Spanish and other Regional Parliaments in the Monitoring of Compliance with the Principle of Subsidiarity</i>, in <i>European Public Law</i>, Issue 2, 2012
<p>Class 5</p>	<p>The role of subnational parliaments in the horizontal and vertical cooperation The horizontal cooperation among subnational parliaments at national and European level: the inter-parliamentary relations The vertical cooperation of subnational parliaments with the national Parliament:</p> <ul style="list-style-type: none"> - the structural integration: the case of Austria (<i>for the Italian ongoing constitutional reform and for the Belgium case, see respectively Class 8 and Class 10</i>) - the procedural cooperation (analysis of different national experiences with reference to the power of initiative, participation at the legislative process, participation at the EWM, etc.) 	<ul style="list-style-type: none"> • N. Bolleyer, <i>Why Legislature organise: inter-parliamentary activism in federal systems and its consequences</i>, in <i>The Journal of Legislative studies</i>, 16:4, 2010 • M. Russell, <i>The Territorial Role of Second Chambers</i>, in N. Baldwin - D. Shell (Eds.), <i>Second Chambers</i>, London, Frank Cass, 2001 • E. Griglio, <i>The evolving role of the Italian Conference system in representing regional interest in EU decision-making</i>, in <i>Perspectives on federalism</i>, 2013 http://www.on-federalism.eu/attachments/004_Volume%205%20-%20issue%202%20-%202013.pdf

Class 6	<p>National case 1 and 2: State parliaments in two distinct models of federalism</p> <p>Germany as an example of aggregative federalism: the role of German <i>Laender</i> Parliaments and their relationship with the <i>Bundesrat</i></p> <p>Belgium as an example of disaggregative federalism: the Sixth Reform of the State and the new relationship between regional parliaments and the Senate</p>	<ul style="list-style-type: none"> • G. Abels, <i>Adapting to Lisbon: reforming the role of German Landesparlemente in EU affairs</i>, in <i>German Politics</i>, 22:4, 2013 • L. Van Looy, <i>The Flemish Parliament: a regional parliament in Belgium, a chamber of the national parliament in Europe</i>, provisional text presented at the Conference “<i>Parlamenti sub-statali nella dimensione nazionale ed europea</i>”, Rome - 5 March 2015, available: http://www.nomos-leattualitaneldiritto.it/wp-content/uploads/2015/01/Luk-Van-Looy-The-Flemish-Parliament-in-the-EU-2015-.pdf
Class 7	<p>National case 3 and 4: regional parliaments in asymmetric regionalisms</p> <p>Regional Parliaments in the Spanish differentiated regionalism. The case of <i>Cataluña</i></p> <p>Regional Parliaments in the UK devolution. The case of Scotland</p>	<ul style="list-style-type: none"> • W.M. Downs, <i>Constructing a new Scottish Parliament for the ‘Europe of regions’: can institutional engineering assure subsidiarity?</i>, in <i>The Journal of Legislative Studies</i>, 6:2, 2000 • A. Trench, <i>Wales and the Westminster Model</i>, in <i>Parliamentary Affairs</i>, 63: 1, 2010 • R. Wilford, <i>Northern Ireland: The Politics of Constraint</i>, in <i>Parliamentary Affairs</i>, 63: 1, 2010
Class 8	<p>National case 5: regional parliaments in a model of advanced regionalism</p> <p>The evolving role of Regional Councils in the Italian advanced regionalism. The challenges posed by the ongoing constitutional reform</p>	<ul style="list-style-type: none"> • C. Fasone, <i>What Role for Regional Assemblies in Regional States? Italy, Spain and the United Kingdom in Comparative Perspective</i>, in <i>Perspectives on Federalism</i>, Vol. 4, 2012 • M. Romanelli, <i>Designing governance within Italian Regional Council’s administrations</i>, in <i>Global Virtual Conference</i>, April, 8. - 12. 2013, http://www.gv-conference.com/archive/?vid=1&aid=2&kid=30101-117

Other suggested readings

G. Abels, A. Eppler, *Subnational parliaments in the EU multi-level parliamentary system: taking stock of the post-Lisbon era*, Innsbruck, Studienverlag, 2016