

Abstract

Political representation in the digital era

by Guido Corso

According to a widespread opinion, digital technology, allowing people to express immediately their will on questions of public interest, opens the door to direct democracy, so that representative institutions would be doomed to death.

Through a short inquiry on the reasons that Madison and Stuart Mill, among others, gave in support of representative democracy, the author argues that this political model is not a mere surrogate of direct democracy, made necessary by technical reasons (the impossibility of assembling people in a large society, as Rousseau himself acknowledged), but it also has two more aims. Political representation is able to dilute social conflicts, since political parties, whose existence is implied by representation, not only articulate different interests but also aggregate them; it also promotes the formation of a political class, that is qualified to deal with issues that are so complex that the ordinary citizen is not able to face them.

Abstract

Ideas for the construction of a culture of innovation in health procurement

by Loredana Giani

The paper focuses on the difficult balance between appropriateness of treatment and containment of health expenditure from the perspective of the effective guarantee of the right to health. It therefore analyses possible solutions for such a difficult balance, that have to be traced by moving from an in-depth discussion on the “quality” of the service itself, the “organisational” profiles and the instruments that the organisation possesses to achieve this goal.

From this perspective the paper analyses the role that innovation can play. Innovation as a criterion of policy that intercepts new organisational and contractual formulae, as well as new ways of offering products and services which guarantee a better meeting of needs.

In particular the paper focuses on the subjective and contractual dimension of innovation in public procurement, underlining the importance of the strategic approach, and the necessity to invest in the capacity building of administrations so as to give them the possibility to make flexible use of existing instruments, finding the most suitable procedure that guarantees the best balance between the containment of costs and the effective guarantee of the right to health.

Abstract

Aggregation and centralization of the purchase of goods and services: state-of-the-art and proposals of improvement of the law

by Maria Immordino, Alberto Zito

The paper identifies and discusses the problems related to the Italian centralized public procurement system. Such a system is based on a plurality of central purchasing bodies operating at state and local level. This accentuated pluralism jeopardizes the achievement of the objectives that the system pursues, first of all the spending review. The essay proposes some changes to the legislation aimed at making the system more rational and efficient.

Abstract

The legal regime of motorway concessions

by Salvatore Cimini

This essay focuses on the regime of motorway concessions highlighting its critical points. In particular, the regulations on motorway concessions laid down in the Code of Contracts and all the changes about the regulation affecting the sector are analysed. It also gives an insight into the latest regulatory changes that have assigned the State the task of controlling the safety of motorway infrastructures. Furthermore, it highlights the critical issues related to a (potential) return to a public management of motorways, at the same time underlining how current motorway concessions are too unbalanced in favour of private individuals. Finally, it emphasizes that, in order to achieve greater efficiency in this sector, policy interventions should be limited to the planning phase, entrusting motorway management to unbiased and qualified public bodies.

Abstract

Agricultural use of sewage sludge: open questions in the environmental law between command and control and circular economy

by Giovanna Pizzanelli

This article analyzes the agricultural use of sewage sludge and its regulation in the European and Italian legal system. The debate on sludge recycling and disposal has recently been the target of growing interest, both for economic and for agronomic reasons (mainly in terms of organic matter and phosphorus content), but its use lead to environmental impacts and potential risks for health and the environment, due to the european and italian legislative obsolescence (the Directive 86/278/EEC was adopted over twenty years ago and with a very low limit values for pollutants in sludge). In this context, regional authorities have implemented policies more stringent, thus leading to a low level of harmonisation.

Therefore, most of the debate on sewage sludge disposal from waste water treatment concerns the constraints of *command and control* applied to sludge producers, disposers and users those operating in this sector, in accordance with the preventive and precautionary principles, to ensured an effective soil protection. Given that the sewage sludge is considered waste by the legislation, the ambitious *Circular Economy Package*, adopted by Eu, should provide – by the revision of the sewage sludge regulation and the further application of economic instruments for maximise environmental benefits – a view to encourage the application of this waste like a resource, according to high standards of environmental quality.

Abstract

The italian doctoral system in knowledge economy

by Vanessa Manzetti

The research work aims to investigate public policies concerning research doctorates, and in particular, whether these have put in place a real “value” of the doctoral system. Following this line, the investigation carried out focused both on the financial profile by analyzing the “quantum” of the resources allocated to the system, as well as on the qualitative and social profile, trying to detect the “value” recognized to the PHD degree simply in the labour market (academic and “not”). It is clear that these two aspects assume an approach that cannot be conceived as a separate and standing alone analysis, since the quantitative profile of the resources obviously affects the rest, creating “serious” distortions in the system to the point of qualifying the doctoral education as a typical hypothesis of market failure, not only in the occupational sense, but also in economic and social one.

It is also true that public policies aimed at the qualitative “enhancement” of the PhD title could, at least in part “downsize” the negative effects deriving from the shortage of resources and from the consequent “no exploitation” in the economic and social sense.

Abstract

Access to the Doctor of Philosophy:
a conditional right of the public employee

by Piera Guglielmini

The right to education ensures access to quality schools and to an education that is directed towards the full development of the human personality. Nevertheless, the access to the doctorate for the public employees can be conditioned from the demands of the Public Administration. This creates a compression of the subjective right of the employee and the purpose of this article it is to analyze the ways through which the law assures the right to the education.

Abstract

Rule of building permits and form of administrative function. Some comments

by Bruno Mercurio

The rules of building permits has changed profoundly in recent years. Today, only the interventions intended to transform the territory through the construction of a new building are subject to authorization by the administration, through a specific permit; the renovation of a pre-existing building, modifying volume and shape, or urban renovation. In all other cases, for interventions on existing buildings, the building permit or is not required, like in the free building activity, which requires simple communication, or can be self-produced by the private, through reports and certified communications. This limitation to the administrative function, however does not seem to be able to obtain the expected benefits, as we see in the two cases examined, sometimes useless to reach the end of simplification that is proposed, (refers to the heavy restructuring) and sometimes hasty in the renunciation of a public assessment, to the detriment of relevant primary interests, (as in the fractionation with increase of the urban density).