ABSTRACTS OF ARTICLES

AUGUSTO CERRI, *The continuity problem, today*

The problem of identity of a political order is, in a sense, inescapable. Current laws not only decide the validity but also the interpretation of previous laws: the current political and legal regime provides the framework of the laws of past governments. But if we can to identify the current laws this will indeed imply to distinguish it from previous governments even in the same territory and the same population. In international and internal law, furthermore, it is probably impossible to distinguish between union of states and incorporation of one state by another without referring to the identity of political governments.

The problem of identity of a political government is not overcome by facts as european union or world economy; because the limitation that these facts introduce in the sovereignity, indeed, as unlimited power is an idea (perhaps never a reality) of the absolute state, i.e. that is inconsistent with a juridical and constitutional order. The autonomy of national states persists in a sovra-national order; this autonomy implies the identity of single states and this identity implies the references to their constitutions.

The problem of a breach of the constitution is not, then, insignificant; and, in the italian context, it is concurrent with the problem of the historical roots of our political regime.

ANTONIO REPOSO, *Recent developments of federalism: the Italian case*

The author aims at an essentially descriptive comparative survey of federal models realized during recent european experience. Secondly the author goes on to examine the theory suggested by Carl Friedrich to supply a juridical guide to the approach of federalism (s.c. *federalizing process*). Finally, these juridical definitions (*especially the criterium of consent*) are then considered with special regard to recent reform of the Italian regionalism.

NINO OLIVETTI RASON, *Federal "territories": Us, Canadian and Australian patterns*

The territory of federal States can be entirely parcelled out in member States (or in bodies which, under a different name, can be comparable to them); otherwise it can also comprise one or more areas with different characteristics, whose autonomy, differently from member States, is not constitutionally guaranteed and which are therefore directly and only dependent on legislative power of the federal State. In this contest the Puerto Rico's

and Nunavut's "Territories'" experiences have developed according to logics which point out a "new dimension" in the federal dinamics.

GIAMPAOLO LADU, *Critical remarks about the federalist reorganization of Italian State*

The italian administrative pattern's crisis, characterized by an excessive number of laws and a wide inefficiency, can't be overcome only with the legislative interventions of the earlier Nineties. It is necessary a radical change in the culture, which should be inspired by policy making principles and no longer by the pure observance of the procedures. The rejection of the centralized concept of political course in favour of a strong authonomies' system should be accompanied by the re-examination of tax system, budget, financial act and control system.

LUISA TORCHIA, *Statutory power and regional administration*

The comparative analysis of the regional fundamental statutes in other countries shows the variety of possible solutions in the regulation of administrative organization and activities.

The new statutes of italian "Regioni" will have to indicate clearly the relations between politics and administration, the regional administration's dimensions and the relations between legislative power and administrative functions.

FRANCO GHELARDUCCI, *Public regulation and enterprises agreements in the community law*

Economic regulation is facing a tremendous change, as a result of European and national competition laws. The trend involves both public and private enterprises. A strict examination is currently made of acts concerning prices and tariffs, market quotas, professional bodies and labour contracts. The European Court of Justice has been reviewing national economic regulations for nearly thirty years. It has been established that national regulations are compatible with the Treaty, only if justified by public interest and enforced by public control. It has also been said that no act can be reviewed, in the absence of actual offenses to art.81 by private enterprises. This theory cannot be agreed upon, as it inhibits an effective judicial review even on openly anticompetitive national regulations.