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Participation of European Citizens
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The adaptation to EU legislation and the latest provisions on the environment

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European law and European delegated law

Law No. 234 of 24 December 2012 reformed the rules governing Italy's participation in the formation and implementation of European legislation, substantially adapting the general framework to the changes that have taken place in the structure of the Union since the entry into force of the Treaty of Lisbon. Both instruments were introduced and regulated by the law in question, which replaced the previous Community law by dividing it into two, with the aim of improving the process of adapting Italian law to EU law.

It addresses, among other things, issues relating to the formation of Community law and the transposition of Community law, further strengthening the role of the Chambers in both the ascending and descending phases of the implementation of European Union law, also in view of the growing role reserved for national parliaments and the progressive importance of European-derived policies.



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European law and European delegated law

- The first provides the executive with the necessary powers to incorporate new directives and other EU legislative acts into national law. In particular, European law affects Italian laws that are subject to infringement proceedings or judgments of the European Court of Justice.
- In addition, it may provide for the full application of Community legislative acts and international treaties concluded by the EU. The second contains directly applicable provisions that may amend or repeal national laws that conflict with existing EU rules.

European law and European delegated law

- It is the Italian government that must present the draft bills for both regulations to parliament.
- The draft bill relating to the European delegation law must be presented by 28 February each year. Should new requirements arise, the executive has the option of proposing a second draft by 31 July.
- There is no deadline for the presentation of the European draft bill.

European law and European delegated law

- In particular, since 2014, the government has begun to present the two bills at the same time but in different branches of parliament: one in the House of Commons and the other in the Senate, thereby speeding up the process.
- Over the years, the state of litigation against Italy has improved, in part: as of 2 April 2020, the number of infringement proceedings against our country has fallen to 79, of which 64 are for violation of EU law and 15 for failure to transpose directives.

The Delegation Act of 2025

- On 22 July 2025, the draft law delegating powers to the Government for the transposition of European directives and the implementation of other European Union acts was approved under an urgent procedure. The regulatory instrument aims to transpose two directives and bring Italian law into line with 10 European regulations. It is preparing to transpose Directive 2024/1799 on the circular economy in the context of the green transition, new rules on ESG ratings, Regulation (EU) 2024/590 on substances that deplete the ozone layer, and Regulation (EU) 2024/1157 aimed at protecting the environment and human health from the negative impacts that may result from the shipment of waste.
- <https://www.affarieuropei.gov.it/it/normativa/legge-di-delegazione-europea/legge-delegazione-europea-2025/>



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Nome e Cognome
relatore

Parliament's involvement in defining Italy's EU policy and in the process of drafting EU legislation

► **Articles 3-17 of Law 234/2012**

- Article 3 reiterates that the Chambers participate in the decision-making process of the European Union, in coordination with the Government, in the formation of European regulations and policies. It also requires the Government to provide documentary and informational assistance from Italy's Permanent Representation to the European Union to the offices of the Chamber of Deputies and the Senate at the European institutions.
- Article 4 deals with the Government's obligations to inform and consult Parliament.
- Article 8 concerns the participation of the Chambers in verifying compliance with the principle of subsidiarity, pursuant to Protocol No. 2 annexed to the Treaties.

Parliament's involvement in defining Italy's EU policy and in the process of drafting EU legislation

- ▶ Article 9 concerns the participation of the Chambers in political dialogue with the institutions of the European Union. In particular, it provides that, without prejudice to the early warning procedure for the assessment of subsidiarity, the Chambers may send the institutions of the Union and the Government any document useful for the definition of European policies, also taking into account any comments and proposals made by the regions and autonomous provinces and by the assemblies and councils of the regions and autonomous provinces.
- ▶ Article 12 concerns the activation of the “emergency brake” mechanism, whereby a Member State may request within the Council that decisions in the field of CFSP (Common Foreign and Security Policy), concerning the free movement of workers, mutual recognition of judgments and the introduction of further areas in which to establish minimum rules on the definition of offences and sanctions, be referred to the European Council.



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Regions and structure of the Union

- ▶ Participation of regions, autonomous provinces and local authorities in the process of drafting EU legislation and involvement of productive sectors and social partners.
- ▶ Articles 22 and 23 lay down rules concerning the European session of the State-Regions Conference and the State-Cities and Local Authorities Conference.
- ▶ Article 24 provides for the participation of regions and autonomous provinces (and their assemblies) in decisions relating to the formation of European Union legislation.
- ▶ Article 25 regulates the participation of assemblies, regional councils and autonomous provinces in verifying compliance with the principle of subsidiarity, by transmitting their observations on the matter to the Chambers.
- ▶ Articles 26 and 27 refer, respectively, to the participation of local authorities in decisions relating to the formation of EU legislative acts and the appointment of Italian members to the Committee of the Regions.

Regions and structure of the Union

- ▶ The reform of Title V of Part Two of our Constitution has not substantially changed the framework of relations between our legal system and European Union law.
- ▶ In particular, the new Article 117, paragraph 1, of the Constitution establishes the principle that “legislative power shall be exercised by the State and the Regions in compliance with the Constitution, as well as with the constraints deriving from Community law and international obligations”.
- ▶ In Article 11, the wording of Article 117 has been added, stating the obligation to comply with the constraints imposed by Community law.
- ▶ This implies explicit recognition of the primacy of European rules, but strictly speaking only applies to rules that do not have direct effect, in relation to which the conflicting national rule retains its relevance and is therefore subject to constitutional review: yesterday, in relation to the parameter of Article 11, today also in relation to the parameter of Article 117, paragraph 1, of the Constitution.



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Regions and structure of the Union

- Furthermore, while foreign policy, international relations and “relations between the State and the European Union” fall within the exclusive competence of the State, “international relations and relations between the Regions and the European Union” are matters of concurrent legislation (Article 117, paragraph 2, of the Constitution).
- Pursuant to Article 117, the rule on the internal division of powers, the regions and autonomous provinces, in matters within their competence, participate in decisions aimed at the formation of Union legislative acts and ensure the implementation and execution of international agreements and Union acts in accordance with the rules established by State law.



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