The Meloni government and the European Union The defence of identity values and the protection of the country's interests*

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1. The entry of Giorgia Meloni government on the European scene

This paper offers some reflections on the constitutional implications of the choices made by the government that took office in October 2022 in the Italian Republic, with reference to relations with the European Union. There are aspects to be understood when reflecting on the «phenomenon of the epochal transition from opposition to government» of a party formation that has always been in opposition in the parliamentary system: from a consensus of 4%, the political force Fratelli d'Italia, together with Its allies Lega and Forza Italia, was called to government with a clear victory at the ballot box². It has thus gained institutional access to relations with the European Union, on which It is interesting to establish a reconstructive framework and an analysis based on constitutional dynamics.

We can start our analysis from the statements made by the newly appointed Prime Minister, Giorgia Meloni, in her political programme speech in the Chamber of Deputies: the MP, who was appointed by the President of the Republic on 22 October, immediately announced that she wished to use the masculine form of the title of President of the Council, thus abandoning the feminine form. In the light of the vote that the majority legitimised by the elections of 25 September had to cast in the two parliamentary assemblies to give confidence to the new executive, the Prime Minister presented a legislative programme that had the effect of reassuring the

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¹ F. De Palo, *Promesse vs governi. Meloni non è Tsipras e i mercati lo confermano*, in Formiche.net, 1° December 2022.

² It may be useful to consider S. Ventura, *Giorgia Meloni e Fratelli d'Italia*. Un partito personalizzato tra destra estrema e destra radicale, Friedrich-Ebert-Stiftung, Roma, 2022.

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financial markets and the European and Atlantic allies as to the guidelines that would emphasising the Italian government's foreign and European relations.

Some of the most influential foreign newspapers have reported Giorgia Meloni's declared positions, emphasising her desire for continuity in various commitments. The "reassurance" to the Union was reported by the Financial Times as a promise to «work with the EU» by «trying to give guarantees to the Union's partners by promising to respect the bloc's rules and to support Ukraine against the blackmail of Russian President Vladimir Putin. Meloni, whose party has its roots in post-fascism, has worked hard to allay concerns at home and abroad about her party's euroscepticism and geopolitical positions that could hinder European unity, particularly on the war in Ukraine». The French newspaper Le Monde commented: «The new prime minister is said to have guaranteed that the Italian approach is not to slow down and sabotage European integration, but to make the Community machine work better. Meloni, who keeps pro-Russian partners such as League leader Matteo Salvini and Forza Italia leader Silvio Berlusconi in her coalition, promised that Italy will remain a reliable NATO partner in supporting Ukraine against Russian aggression». In Germany, Der Spiegel reported on the speech, highlighting both a commitment to dialogue with the European Union and a staunch defence of the Italian Republic's interest in supranational decisions. The German newspaper pointed out that in her first government statement «Italy's new Prime Minister Giorgia Meloni pledged her loyalty to the West and the EU. But at the same time she sharply criticised Brussels (...) European cooperation with an Italy under Meloni's leadership is unlikely to get any easier. She announced that she would defend her country's interests. At the same time, Italy is fully part of Europe and the Western world, Meloni assured. Her government does not want to slow down or sabotage European integration». Finally, the Spanish newspaper El Mundo highlighted the passage from which the new leader's vision of the EU level of government emerged: «Europe, Meloni insisted, must not be seen as a rival and the aim of her government will not be to stop or sabotage the EU, but to make it more effective in responding to crises (...). The EU is not an elite club with A- and B-list members, or a board of directors to keep the books in order, but a common house to face challenges, Meloni added, assuring that Italy will make its voice heard in Europe, as befits a great founding nation»³.

So if Giorgia Meloni's arrival on the European scene was preceded by a kind of pre-election storytelling in which narratives such as the further expansion of public debt and a "sovereignist" were repeated, the subsequent image that prevailed from the executive was one of more appreciable pragmatism closure vis-à-vis other European states, the subsequent image that prevailed from the executive was one of more appreciable pragmatism. The positions taken on the definition of the public

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³ For reported positions, see F. Merli, *Da Der Spiegel al Financial Times, le reazioni della stampa estera al discorso di Meloni*, in Formiche.net, 25 October 2022.

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finance manoeuvre – in particular, the preparation of a budget law that respects the European constraints stemming from the fiscal rules – as well as the first positions on immigration and energy policy – centred on the so-called Mattei plan and the reaffirmation of the Atlantic alliance – have helped to allay fears of the Italian Republic's isolation from the supranational order and from the ties built up over time within the international community. These initial concerns were allayed when the President of the Council adopted a number of positions in line with those of his older European partners: the resumption of relations with the African countries bordering the Mediterranean in view of energy interests, armed support for Ukraine and Atlantic loyalty were signs that Italy continued to be seen as a stable and reliable counterpart.

In contrast to the calmness of the new right-wing leadership's initial stance, the reaction of financial markets was calm and reassuring, after the fears that had been spread during the previous campaign phase⁴. Spread levels, which had been unstable in the run-up to the elections, returned to moderate levels⁵, especially after the presentation of the public finance manoeuvre, as the Italian executive took office at the same time as the budget session opened. Within a few months, the economy also improved: at the beginning of 2023, Italy's GDP was up 0.5% quarter-on-quarter, with even better results than Germany and France. At the end of 2022, the state of the economy was less bad than forecast: this situation helped the government's work, which faced the European institutions and partners with greater confidence: even if inflationary trends and the risk of a rise in interest rates were unknowns from the outset, which led Giorgia Meloni's team to establish stable relations with the European institutions - first and foremost the Central Bank - and to coordinate in a dimension of dialogue. As noted in the Bank of Italy's Financial Stability Report no. 1/2023, «public finance conditions improved in 2022», reducing «both the net debt to GDP ratio and the debt to output ratio, the latter by more than 5 percentage points». However, the report pointed out that «the consolidation of these trends remains crucial, also in view of the uncertainty surrounding the evolution of the macroeconomic framework and the rise in interest rates».

Various issues on the government's European agenda have immediately highlighted possible areas of conflict between Italy and the European order, or

⁴ C. Curti Gialdino, *Il Governo Meloni e l'Unione europea: gli esordi del nuovo Esecutivo*, in Federalismi, n. 33, 2022, provides in footnote 2 the bibliography commenting on what had characterized Giorgia Meloni's electoral programme.

⁵ G. Zapponini, Mercati, Pmr e Mes. I sei mesi di Giorgia Meloni visti da Quadrio Curzio, in Formiche.net, 24 April 2023, reports: «There is already one report card: that of the markets. Since the first female prime minister in Italian history took office, the spread between Btp and Bund has fallen by up to 20 per cent, while the stock market has risen by a little less than 30 per cent, after losing around 130 billion in capitalisation in 2022 alone. This is good news if we calculate that, taking Defence for a moment, in 2023 the interest on the tricolour debt will fall to 74.67 billion euros, but then it will rise to 86.21 billion in 2024, 91.28 billion in 2025 and finally break through the 100 billion threshold in 2026».

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between Italy and some other key countries in the continental family linked to the integration process.

We will therefore examine some of these issues, namely the signing of the Treaty establishing the European Stability Mechanism, the policy of converting industrial production from the point of view of environmental protection objectives, immigration, the conflict between Russia and Ukraine and, finally, the issue of renegotiating the National Recovery and Resilience Plan. In each of them, we can see a constant desire for dialogue and participation on the part of the Italian executive, which is always keen to demonstrate harmony with the other countries of the Union. Even if the elements of friction and distance are obvious, the strategy of Giorgia Meloni's government seems to be characterised not by closed positions but by proactive indications, with the not too hidden ambition of influencing or even improving European decisions.

There is therefore an intense focus on not isolating oneself or adopting a stance of outright rejection of the guidelines supported by the main EU countries: if positions were and are dissonant, the cure is not to explicitly declare one's distance, but rather to seek alternative solutions that allow one to distance oneself from certain policies without appearing to distance oneself or to reject them explicitly.

2. The underwriting of the European Stability Mechanism

One area of misunderstanding between Italy and the countries of the Union has been clear since the beginning of the government's term of office: the government's clear desire not to sign the treaty establishing the 'new' European Stability Mechanism has effectively placed the Republic in a position of isolation.

Although the ESM no longer shares elements of the arrangement that originally involved compressing significant sovereignty⁶ Italy, led by the new political majority, did not see fit to endorse what all the other states had long since ratified. After the German Federal Constitutional Court also declared that the provisions of the ESM discipline were compatible with its own law, it seemed inevitable that Italy would proceed with the ratification that the governments before Giorgia Meloni's had also avoided. Concerns that may have been well-founded compared to the

⁶ The ESM Treaty refers to Art. 136 TFEU in a perspective of European solidarity through financial assistance programmes between Member States. However, the key to solidarity has increasingly been perceived as undermined, as reported by A. Scaffidi, *La riforma del Meccanismo europeo di stabilità e le persistenti criticità in materia di* decision-making, in *Federalismi*, n. 20, 2021, p. 85, «At the time of its creation, the largest contributors to the ESM reserved for themselves a privileged weight in the decision-making process by providing for a voting system based on capital shares»: for this reason, «in order to be able to benefit from the various support instruments at the ESM's disposal, the states most affected by the crisis economically, due to their lesser bargaining power, accepted the institutionalisation of unequal treatment».

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version of the mechanism in force until a few years ago⁷, appeared outdated in 2023 and made Italian opposition appear specious. The line taken by the Italian government was – and still is – that of a declared willingness to ratify the treaty, but on condition that the mechanism changes its functioning⁸: more than a rescue tool, it should be a vehicle for resources for growth. In arguing for this paradigm shift, the Italian government continues to shy away from being identified by voters as the one responsible for opening up to the mechanism⁹, which still suffers from the notoriety that has long characterised and accompanied it: that of a potential tool for strangling and limiting the sovereignty of the country that is forced to resort to it¹⁰.

The Minister for Economic Affairs, Giancarlo Giorgetti, has not missed an opportunity to demonstrate the determination of his executive to proceed with ratification – in order to reassure the ratifying States of the Union – even though, for reasons of internal relations within the government itself, it is unable to move in this direction.

The underlying objective is to negotiate some useful outcome, such as the recognition of capital expenditure as an excluded area for the purpose of calculating a country's financial exposure: with the addition of the request for exemptions linked to investments with the National Recovery and Resilience Plan, in particular those for the digital and environmental transition. What is certain is that «the centre-right government cannot ratify the ESM reform after blocking it in every way, even with parliamentary votes. Once you are in government you cannot change your mind completely. Or at least not without getting nothing in return. But Brussels thinks differently: the time for negotiations is over, patience is finished»¹¹. In short, there are

⁷ Reference is made to the considerations of A. Guazzarotti, La sovranità tra Costituzioni nazionali e Trattati europei, in DPCE online, n. 1, 2020; Id., "Neutralità va cercando, ch'è sì cara"! Il Tribunale costituzionale tedesco contro la politicità dei programmi di quantitative easing della BCE, in DPCE online, n. 2, 2020; A. Mangia (ed.), MES. L'Europa e il Trattato impossibile, ebook, Morcelliana, 2020; F. Salmoni, L'insostenibile "leggerezza" del Meccanismo europeo di stabilità. La democrazia alla prova dell'emergenza pandemica, in Federalismi, n. 20, 2020; A. Somma, Scontro tra capitalismi, crisi del debito e diritti fondamentali, in Diritto pubblico comparato ed europeo, n. 2, 2013.

⁸ About this functionality A. Scaffidi, *La riforma del Meccanismo europeo di stabilità*, cit., p. 89, speaks of an «ideological and legal substratum on which its unequal decision-making mechanisms are grafted, aimed at guaranteeing the repayment of loans and protecting 'the creditor perspective' according to which the mechanism operates», and recalls the study of the Servizio Studi del Senato, *La riforma del Trattato istitutivo del Meccanismo europeo di stabilità*, Dossier n. 187, November 2019, p. 11.

⁹ In 2019 32 economists signed a document explicitly distancing themselves from the European Stability Mechanism.

¹⁰ See the analysis of M. T. Stile, *Il Mes nella risoluzione delle crisi finanziarie europee. Un paradigma di limitazione della sovranità statuale*, in Federalismi, n. 2, 2020.

¹¹ In these terms see G. Zapponini, L'Italia alla prova del Mes. La missione di Giorgetti, in Formiche.net, 15 May 2023.

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many voices calling for the ESM to be approved now and immediately, not least because the launch of the 'new' ESM is part of the wider banking union debate¹².

The Prime Minister's intention was clearly stated at the press conference at the end of 2022: «Let's start from the assumption that as long as I am Prime Minister, Italy, which is and remains a privileged creditor, will never activate the ESM (...) The question is: at a time when everyone needs resources, can we lock up tens of billions of resources that no one will use anyway? I would like to understand from Europe if it is possible to ratify a treaty and its reform in order to activate something that can be used by the member states, with different and less stringent conditions». Therefore, the Italian Prime Minister strongly reiterated her conviction that «as far as the ESM is concerned, the ratification of the reform is a secondary issue. Italy will never have access to the ESM as long as I count on something, whether the reform goes through or not, I fear that the fund will not be used because the conditions are too strict. We will discuss the reform with the parliament». The dialogue with the supranational level continues to this day, allowing the Italian government to delay as long as possible, despite the indications to the contrary given by the Governor of the Bank of Italy in June 2023: he hopes to achieve «the full operability of its reform». As has been authoritatively noted, «Italy's failure to ratify would not lead to its total or partial abolition: the ESM would continue to operate, but without having an additional power. That is, to supplement the Single Resolution Fund (which has a limited capacity of around 55 billion) with additional resources in the event of a systemic banking crisis». According to Visco, this would be «an important safety net» in view of the «recent instability phenomena observed outside the European Union»¹³.

¹² G. Barba Navarelli, *Tassi, la Bce alza ancora. Ecco perché serve il Mes*, in La Stampa, 5 May 2023 admits that «our government is right to call for a single deposit guarantee fund, but it makes no sense to make it a condition for ratifying the EMS, which is already a big step forward in collectively taking on the risks of European finance. Another short-sightedness: the EMS also has the role of intervening to support the public budgets of countries in difficulty. The risks of recession and the slowdown in the ECB's purchases of government bonds are making our financial situation more fragile. The mechanism, however much we hope to use it, is a possible lifeboat here too. Of course, intervention is conditional on reforms and fiscal consolidation. But any entity, bank or state, will inevitably lose autonomy and sovereignty if it fails. Meanwhile, not ratifying the ESM increases the risks of a systemic crisis. Is it really wise to take such risks in order to guarantee, in the unlikely event of a major event, the proud autonomy of those who have failed?».

¹³ V. De Romanis, *Mes, la lezione del governatore*, in *La Stampa*, 1 June 2023: The academic's assessment is that «the ESM serves to ensure greater stability for the whole area (the name says it all) and therefore greater protection for workers and savers». She also reports President Meloni's recent statements: «as long as there is an executive led by me, Italy will never be able to join the ESM», which do not clarify whether the reference is to joining the new or the old ESM. And she notes: «In the first case it would mean being in the middle of a banking crisis, in the second in the middle of a macroeconomic crisis. Two scenarios that must be avoided. But if they do, the ability to rely on the ESM should be seen as an advantage, not a disadvantage. To be convinced of this, one only has to analyse the results of the post-programme surveillance published last week by the European

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3. The Fit for 55' package and the defence of strategic industrial sectors

On 14 July 2021 the European Commission adopted the *Fit for 55* climate package¹⁴, whose legislative proposals aim to achieve the Green Deal targets by 2030: specifically, a 55% reduction in greenhouse gas emissions compared to 1990 levels, with the aim of achieving 'carbon neutrality' by 2050. The 'Fit for 55' package – 'Pronti per il 55%' in Italian – is therefore an initiative to update the Union's legislation based on the EU Emissions Trading Scheme (EU ETS). The EU ETS is the Union's main instrument for reducing emissions, and since its introduction in 2005 it has reduced emissions in the internal market by 41%. The *Fit for 55* package aims to reform the EU ETS, extending it to emissions from international maritime transport and aviation; Increasing funding to help reduce emissions: but above all by creating a new autonomous emissions trading system for buildings, road transport and fuels for other sectors. Subsequent steps were marked by a progression of these decisions, and the contribution of the Italian government was part of this.

From 2035 onwards, only electric and hydrogen vehicles will be allowed on the market, and for Italy this choice seems to have a negative impact on employment, also in terms of the related industries, which have their own specific importance, different from that of other European partners. The question that the government must also have asked itself is whether the pure electric car will be able to compensate for the departures¹⁵: the answer came between February and April 2023, starting with statements by the Minister for the Environment and Energy Security (Mase), Gilberto Pichetto Fratin. During question time in the Senate and in various interviews, he spoke about sustainable mobility, with the exception of the electric car, whose promotion is seen as an excessive burden on public finances. His statement – «If it's 6,000 in the first year or 60,000 in the second, there could be government incentives, but if we're looking at millions or hundreds of thousands of purchases, the incentives would probably have some impact on the country's budget and it would become very difficult» – implied that the electric car retains the characteristics of a commodity for a wealthy elite. Although he did not question this technology, he also spoke in favour of endothermic engines capable of using biofuels and biomethane. He added: «Support must be linked to the fact that the industry must

Commission on the economic, fiscal and financial situation of the countries that have signed up to an ESM adjustment plan, namely Greece, Spain, Portugal, Ireland and Cyprus. The individual reports show that the five economies are growing solidly and have the capacity to repay their debts».

¹⁴ M. Lombardini, "Fit for 55", il nuovo pacchetto climatico dell'UE e le sfide per l'Italia, in Ispionline.it, 20 July 2021, notes that «the 55% target is extremely ambitious. By way of comparison, the EU reduced its emissions by 20% between 1990 and 2020. The Green Deal aims to reduce emissions from 20% to 55% in less than ten years. Evocative terms have been used to describe the package: 'Mammout package', or referring to the 14 July date of the energy revolution. Others have commented that 'Fit for 55', which can be translated as 'fit for 55', sounds like an advert for a gym».

¹⁵ For more information, we recommend the following: A. Sileo, *L'auto elettrica resta una scommessa*, in *LaVoce.info*, 20 June 2022.

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have a price that is affordable for the community. Today, the electric car is only for the rich. (...) The idea of replacing everything with electricity is unthinkable at the moment. It is a way forward, but we need to be less ideological and more rational and balanced». The government's line is therefore to move more gradually towards the end of the «commercialisation of endothermic vehicles from 2035» and to «promote the production of biofuels as far as possible» as an alternative to electric vehicles.

Adolfo Urso, the Minister for Enterprises and Made in Italy (Mimit), was also not entirely in agreement with the European decisions on petrol and diesel engines from 2035. The position he outlined is that of a commitment to «a more pragmatic approach on the part of the EU»«, in the hope of developing a plan to defend Italianmade vehicles in response to the protectionist policies of the United States and China. Obviously, the horizon is mainly to protect domestic production, to protect a sector mainly from a new incentive programme. The Italian government, confident that it will also face resistance in Germany and, above all, that it will have a new majority at European level after the 2024 elections, is therefore expecting a radical change in environmental and industrial policy that will abandon the objectives of combating harmful emissions and consolidate protectionism in favour of the European car industry». But the doubts of the countries are already well established, as has been clearly shown: «Too little oil or gas, when there are still not enough renewables: this is why, even in Europe, uncertainties and hesitations about stricter rules to meet the 2030 emissions reduction target are advancing (...). Despite the paradox, environmentalists should be happy about this. It shows that the policies implemented and announced in Brussels are really starting to bite. In reality, the uncertainties and hesitations show that we have been pushed into a corner without having made the fundamental choice between immediate and future costs»¹⁶.

Meanwhile, in May 2023, Germany succeeded in getting what it considered necessary to protect its industry: it ensured that the alternative to the internal combustion engine was not only electric. This line is the same as that taken by the Italian government, which was excluded from this agreement, which would only apply to Germany and would require changes to the text to be approved. The words of the German minister, Volker Wissing, were eloquent: «We have succeeded in guaranteeing the element of technological neutrality in the regulation of fleet limits». The formula of «technological neutrality», used by both Germany and Italy, is what is saving the industry of the former of the two countries, thanks to the specific negotiation it pursued with the Commission.

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¹⁶ M. Ricci, Le frenate sul "fit for 55" e il rischio di testa-coda delle politiche energetiche, in La Repubblica, 5 June 2023: «This is a kind of 'calm down, comrades', but it does not solve the fundamental problem: imagining and designing the transition path from old to new energies, which cannot be a leap from one day to the next». One of the deputy governors of the Bank of Italy, Paolo Angelini, also pointed this out in a recent interview with Politico, stressing that «we cannot all at once and immediately disinvest from high-emission sectors».

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However, the issue of developing sustainable transport and communications cannot be considered in isolation, as the environmental issue and challenge also requires attention to the difficulties of energy supply¹⁷. Since the beginning of the conflict between Russia and Ukraine, the European Union as a whole has had to find solutions to reverse its dependence on Russia¹⁸: during the period of searching for alternative sources of supply – turning to the countries of the Mediterranean and the East – the cost of energy and raw materials has risen sharply, increasing the costs for households and factories. In addition to the burdens they have to bear, which also have an impact on inflation and therefore the cost of living, the situation of an increasingly precious and difficult to obtain commodity, "energy", also makes it more difficult to carry out the works and projects envisaged in the National Recovery and Resilience Plan.

Europe's response to the general wartime energy shortage has taken the form of a plan launched in May 2022: called REPowerEU, it aims to help save energy, produce clean energy and ultimately diversify member countries' energy supplies.

The Italian government immediately saw an opportunity to revise the PNRR projects by linking them to REPowerEU, and therefore planned to revise the objectives and reformulate the priorities with a clear focus on the new lines drawn by the European level, whose efforts have already brought about significant changes. In fact, by September 2022, Russian gas will account for only 8% of all gas imported by pipeline into the Union, compared with 41% a year earlier: This result, which allowed European countries to face the winter of 2022 with limited fears about the possibility of guaranteeing heating and energy for production, was made possible by agreements concluded with other third countries to import gas by pipeline, by the joint purchase of liquefied natural gas (LNG), on the basis of strategic partnerships with Namibia, Egypt and Kazakhstan to ensure a secure and sustainable supply of renewable hydrogen, and finally by agreements with Egypt and Israel to export natural gas to Europe.

The effort to make Italy self-sufficient had already been made by the Draghi government in the aftermath of the conflict, when the President explained to Parliament some extremely relevant elements for understanding the prospects of our country: Italy was one of the European economies most tied to Moscow in terms of natural gas supplies¹⁹, and therefore significantly affected by the Commission's

¹⁷ For a more in-depth analysis of the issues, see the analysis of the Osservatorio dei conti pubblici italiani, Università Cattolica Milano: G. Galli, M. Garlaschi, F. Neri, C. Orlando, *Crisi energetica e rischio di spiazzamento dell'industria europea*, OCPI, 23 December 2022.

¹⁸ See M. Giachetti Fantini, La guerra russo-ucraina e l'approvvigionamento dell'energia, in Osservatorio costituzionale, n. 1, 2023; Id., Conflitto russo-ucraino e crisi energetica: i decreti legge n. 50/2022, n. 115/2022, n. 144/2022, n. 176/2022 e n. 34/2023 tra proroga delle misure emergenziali e nuove soluzioni strutturali, in Osservatorio costituzionale, n. 3, 2023; D. Bevilacqua, La guerra in Ucraina e le fonti energetiche, in Rivista Giuridica dell'Ambiente, RGA online, n. 31, 2022.

¹⁹ See data reported by M. Galeotti, A. Lanza, La guerra cambia le rotte del gas, in LaVoce.info, 28 February 2022.

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proposals to contain gas prices in Europe²⁰. Member States agreed in December 2022 to limit price spikes, with a price cap on transactions from February 2023 if prices reach exceptional levels. This is a temporary market correction mechanism - the socalled price cap²¹ – to be maintained until February 2024, and this arrival point was the result of an extremely hard-fought and troubled path, with deep divisions and contrasts between the states. The Draghi government had pushed hard for the price cap horizon, but the Meloni government initially distanced itself, opposing the Commission's proposals along with countries such as Germany and the Netherlands. At a later stage, however, Italy's position aligned itself with the steps taken by the European institutions, to the point of taking credit for the result achieved: Minister Gilberto Pichetto and the Prime Minister herself stressed the merits of their cabinet's contribution to the achievement of what was described as «the victory of Italian and European citizens demanding energy security». On the other hand, Stefano Besseghini, head of the regulator Arera, acknowledged the benefits of lower gas prices, but pointed out that they were still high in absolute terms and hardly compatible with competitive industrial production.

The political significance of this shift in decision-making to the European level can be summarised as follows: "and in the end it will be a price cap". "The European Union has agreed to cap the price of methane. A purely political decision that bears two hallmarks: that of Mario Draghi, who was the first to propose one of the measures most feared by Vladimir Putin's Russia, and that of Giorgia Meloni. The Prime Minister, it is no secret, has taken up Draghi's fight, repeatedly banging his fist on the table and urging Brussels to find convergence on the price cap."

The Italian government has always been at the centre of these negotiations, even if its positions have varied greatly: it has thus been able, mainly for the sake of internal consensus, to turn in its favour an operation that is not so decisive in terms of economic benefits, but which represents yet another chapter of confrontation and showdown between European states. Finally, a proposal put forward by the Italian Prime Minister constitutes another part of the strategy for energy independence, but it also concerns policies of a different nature, as will be argued in the following paragraph.

Giorgia Meloni has repeatedly mentioned a revival of the so-called Mattei Plan, which would see the EU and African states working together on security. Italy's orientation towards the Mediterranean therefore seems to be the original element of the conservative government, which, both for reasons of security of supply – in such a model Italy would become an energy hub in the Mare Nostrum – and for the need

²⁰ S. Villani, *Considerazioni sul principio di solidarietà energetica nel quadro giuridico dell'UE*, in *Federalismi*, n. 5, 2023, sets out the European Commission's commitment to energy security.

²¹ The following technical considerations of S. Benedettini, C. Stagnaro, *Cinquanta sfumature di price cap*, in *Federalismi*, n. 18, 2022, may be useful for a better understanding of the topic.

²² G. Zapponini, L'Europa, il price cap e quell'impronta italiana. Come funziona il tetto al gas, in Formiche.net, 20 December 2022.

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to counteract migratory flows from the south to the north of the planet, seems to be attracted by a system of relations with the African continent rather than by synergy with other European capitals. The attempt has not yet yielded significant results, but it is emblematic of a geopolitical positioning that recent needs – related to energy and migration – have helped to bring to the fore. It is precisely the issue of migration that needs to be addressed. The intention has not yet produced significant results, but it is emblematic of a geopolitical positioning that recent needs – related to energy and migration – have helped to bring to the fore. It is precisely the issue of migratory movements that now needs to be addressed.

4. The challenge of managing increased immigration flows

In addition to energy security, the other emergency that Giorgia Merloni's government has had to face since it took office is migration. Already in 2022, the number of migrants arriving by sea was on the rise, and in 2023 it tripled: more than 14,000 landings, compared with more than 5,000 the previous year and more than 4,000 in 2021²³, in a crescendo of rejection of a phenomenon that is now out of control. The most tragic episode was the massacre of innocent people on the Calabrian coast: a boat leaving from Turkey, with about 250 migrants from Iran, Pakistan and Afghanistan on board, did not have the strength to withstand a very rough sea in the middle of winter and broke up on the night of 26 February 2023, not far from the coast, in the town of Steccato di Cutro.

The head of state, Sergio Mattarella, first pointed out that «many of these migrants came from Afghanistan and Iran, fleeing from very difficult conditions», and then called for «a strong commitment by the international community to eliminate the causes of migratory flows»: «The European Union must finally assume concrete responsibility for managing the migratory phenomenon, taking it away from the traffickers and committing itself directly to a common migration policy».

The room for manoeuvre at the supranational level is self-evident, and indeed, just a few days before this dramatic event, the European Council had once again shirked its responsibility to take decisions on a common immigration policy. The Dublin Regulation remains the apparently insurmountable legal framework – there has been only one attempt to amend it, proposed by the Commission²⁴ – as no European country has expressed a genuine desire to go beyond it. As is well known, the Dublin Convention imposes an obligation on the State of arrival to identify and detain migrants after disembarkation for the time necessary to examine their asylum

²³ The upward trend was also predictable, as the analysis by M. Zacchera, *Migranti, in arrivo la tempesta annunciata*. *Numeri e prospettive*, in *Formiche.net*, 11 May 2021.

²⁴ For this proposal see G. Morgese, La "nuova" solidarietà europea in materia di asilo e immigrazione: molto rumore per poco?, in Federalismi, n. 35, 2020.

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application. Alternatively, a mechanism for the fair distribution²⁵ of asylum seekers among the 27 states of the Union is what countries like Italy have long been calling

The possible Italian responsibilities in this tragic accident at sea are still being established – it was not possible to carry out a rescue operation with two patrol boats and the question is why the coastguard did not intervene - but the episode has similarities and links with the line that the government has been taking on immigration since it came to power²⁶. The first positions envisaged the implementation of a military naval blockade off the coasts of the countries with the highest number of departures, but gradually the prospect of this tenor has receded in view of the costs it would entail and its difficulty of implementation. In general, however, the logic expressed by the government is one of incomprehension, if not outright rejection, of the reasons that lead migrants to undertake journeys that involve a real risk to their lives; and of studying solutions to discourage departures and, above all, landings.

At the end of 2022, the focus of government policy changed and NGOs became the target of its interventions. A new code of conduct, adopted as a matter of urgency on 2 January 2023, introduced measures to stop mass arrivals: Decree-Law No. 1/2023 on Disposizioni urgenti per la gestione dei flussi migratori obliges NGOs to carry out only one rescue at sea, giving immediate notice, stating the number of migrants on board, to proceed to the indicated port, without picking up other foreigners along the way. Failure to comply will result in fines and the confiscation of the boat.

However, the subsequent maritime disaster off the coast of Cutro prompted the government to introduce further new regulations, mainly characterised by a tightening of criminal sanctions against those who facilitate illegal immigration, as well as a reduction in the requirements for residence permits and forms of protection, with a now obvious tendency to discourage entry, determined by the desperate journeys of people fleeing contexts of violence and persecution.

In the face of the Union's inertia, the government then tried to follow its own path, based on a new plan to curb the development of migratory flows. As we have

²⁶ The Ispi editorial team broke the news the day after the tragedy in La strage dei migranti, in

'deserve' asylum. It is around this paradox that, eight years after the 2015 refugee crisis, European

chancelleries continue to go round in circles».

²⁵ C. Bertolino, Territori e immigrazioni tra diritto di respingimento e dovere di accoglienza degli Stati, in Rivista AIC, n. 1, 2018.

Ispionline.it, 27 February 2023, with a comment by M. Villa: «Europe still has no recipes. Or rather, it has only one: close the borders, send back those who have arrived illegally. The problem is that iron will and stentorian declarations are not enough to stop people from leaving. There are always more. That is why, without more concrete proposals (such as opening more regular channels than the miserable numbers of today), tragedies are destined to repeat themselves. 60% of those arriving in Italy from Turkey are Afghans and Iranians. Once they arrive here, these people have a more than 90% chance of being protected. But until they touch European soil, these same people do not

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seen, the desire to revive the Mattei Plan, which obviously does not sound the same today, seventy years after it was drawn up, has been reiterated by the Prime Minister and certain ministers, and is being developed in solutions designed for other times and other geopolitical balances. The logic behind this strategy was well illustrated as follows: «In this respect, the Prime Minister has announced that an international conference on migration and development will be held in Rome in the near future, with the participation of the countries on the southern shore of the Mediterranean, the Middle East and the Gulf Cooperation Council, with the aim of 'bringing together all the needs related to a phenomenon that must be tackled at 360 degrees'. All will bring cases and contributions, with Italy ready to 'listen to the various needs and create projects to attract funding'. The outline is contained in the Mattei Plan, an instrument that the government intends to use in this sense»²⁷. However, the government's expectations have to be reconciled with the fact that Tunisia is in a difficult economic and financial situation. Tunisia's exit from this critical scenario could depend on an agreement between the country and the International Monetary Fund, for which Giorgia Meloni has decided to use her influence. Indeed, «the 'Tunisian case' is at the top of the list of Italian concerns within the migration dossier. In recent weeks the number of people leaving the country for Lampedusa has increased as a result of a serious crisis that is strangling the country's economy. There is little data to take the pulse of the situation: an inflation rate of 10%, public debt close to 100% of GDP and unemployment stable at 15%, Negotiations with the IMF came to a standstill because of the Tunisian government's authoritarian turn and the loss of any democratic dimension in the country's life: the Italian government's attempt at mediation resulted in a trip by the Prime Minister in June, accompanied by the President of the Commission. The fruits of this mission were not reaped, however, because of the intransigence of the Tunisian President, who was not inclined to play the role of the one who must stop the journeys of hope of so many people who are now in despair. To which Europe does not seem to want to give an answer, and Italy, in this passage, seems to want to take the lead in a game that seems to be more complex than one imagines, when «in this context, not only are the Tunisian authorities unable to deal with the trafficking of foreigners who use the short distance from the Italian coast as a departure point for those from the southernmost African countries who are desperate to reach the Mediterranean, but

²⁷ F. De Palo, Così Meloni prova a sbloccare la partita migranti e Fmi, in Formiche.net, 6 June 2023.

²⁸ Consiglio europeo e il 'caso' Tunisia, in Ispi.online, 23 March 2023.

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Tunisians themselves are now trying to flee Tunisia because of the restriction of freedoms and the increasingly impoverished living conditions²⁹.

The success of such an operation certainly goes beyond the efforts of individual governments, so that that of the Italian government takes on the characteristics of a solitary enterprise, which – despite all the evidence – is aimed at securing a result for Italy, and which still represents a closure with regard to a development that should rather be managed jointly at European level³⁰.

It is worth noting that a new agreement was reached in June 2023 that was supposed to lay the foundations for a review of the Union's immigration policy: a not too courageous step that introduced a kind of "monetisation" of European solidarity, providing for countries that do not intend to receive refugees to make an equivalent contribution in the form of a transfer of financial resources in favour of states that instead open up to the influx of migrants. Two countries have particularly contested the agreement: Poland and Hungary, which are politically close to Italy, have expressed strong opposition, but despite the traditional harmony with these countries, the Italian Prime Minister decided instead to express his satisfaction with the result of the laborious negotiations and, as on several previous occasions, to extol the merits of his own contribution and his steadfastness in reaching the solution.

5. Supporting Ukraine in its conflict with Russia

Italy's position on the conflict in Eastern Europe, under both Mario Draghi's and Giorgia Meloni's governments, has been one of immediate alignment with the European approach: the latter, however, has managed to imbue its devotion to the Ukrainian cause with nationalist connotations, which have once again given an 'identity' connotation to our Republic's support. Although the Constitution gives clear guidance on support for wartime conflicts³¹.

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²⁹ E. Rossi, *Come affrontare la questione Tunisia secondo Mezran e Melcangi*, in *Formiche.net*, 13 June 2023. The author adds: «Saied is fighting against Western financial institutions using, as I said, a form of narrative similar to that of other countries that intend to seek alternatives through shores such as Brics and other spheres of influence - the bilateral relationship with China, for example - but the problem is that in reality China first links its possible activities to the release of IMF aid, which alone could trigger a virtuous circle of economic recovery that would allow Beijing to invest profitably».

³⁰ A. Patroni Griffi, La gestione dell'immigrazione in Europa, in Federalismi, n. 4, 2022.

³¹ Italian constitutionalists have studied the coherence of the Republic's involvement in the Ukrainian-Russian conflict in the light of the coordinates of the Fundamental Charter: see the contributions by G. L. Conti, Aristotele, l'atimia e la guerra in Ucraina; A. Algostino, Il senso forte della pace e gli effetti collaterali della guerra sulla democrazia, in Rivista AIC, n. 4, 2022. In addition the entire dossier in Costituzionalismo, n. 1, 2022 entitled Guerra/Questioni di giustizia, with several essays: in particular G. Azzariti, La Costituzione rimossa; M. Dogliani, Amica Ucraina, sed magis amica veritas; M. Volpi, La guerra in Ucraina e il costituzionalismo democratico. See also F. Bilancia, C. De Fiores, P. Marsocci, L. Ronchetti, M. Ruotolo, Guerra e Costituzione, n. 1, 2003. See also several interviews by G. Azzariti, C. De Fiores, C.

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The peculiarity of the perspective invoked by the government that took office in 2022 is the ideological value it attached to the reaffirmed support for President Volodymyr Zelensky and his country: applauding his commitment to «do everything necessary to defend its freedom, sovereignty and identity», the Italian Prime Minister compared the Ukrainian struggle to the period of the Risorgimento in Italy, when our people proved to be a nation. She therefore confirmed Italy's willingness to provide Kiev with military, financial and civil support «so that the conditions for negotiations can be created», arguing that «those who support Ukraine militarily are those who work for peace»³². In a letter to the Corriere della Sera on the occasion of the national holiday on 25 April, the President expressed the hope that the love of freedom and democracy would not be lost because, 78 years later, wit is still the only true antidote to all totalitarianism. In Italy and in Europe. An awareness that has led the European Parliament to condemn unequivocally and definitively all the regimes of the 20th century, without exception, with a resolution of September 2019 in which I fully recognise myself and which the Fratelli d'Italia Group, together with the entire family of European conservatives and the entire centre-right, voted for without any hesitation (unlike, unfortunately, others). A resolution that takes on even greater value in the current context, given the heroic resistance of the Ukrainian people in defence of their freedom and independence against the Russian invasion»³³.

These fundamental convictions underlie the Italian government's strong commitment to supplying arms to Ukraine, also in the wake of the Union's increased commitment to providing that country with the means to turn the outcome of the conflict in its favour: despite the fact that the Italian Constitution points to a completely different horizon, namely the choice of peace between peoples rather than armed support³⁴. Moreover, the implications of supporting the Ukrainian people's reasons for strengthening military production are in line with the orientation of several other EU states – certainly not those that do not intend to take such an openly anti-Russian stance, first and foremost Hungary, which in May stopped financing arms to Ukraine – that are investing massively in the development of industrial production in the function of war.

As we have seen, a number of European initiatives in recent years have been aimed at creating tax incentives for transnational military projects³⁵ – drones and

Pinelli, M.Ricciardi and A. Giannelli in Orizzonti del diritto pubblico, 12 giugno 2022, https://www.orizzontideldirittopub.com/category/guerra/

³² C. Masi, Ucraina, Africa, Usa e Cina. Cosa (non) ha detto Meloni al "Foglio", in Formiche.net, 21 April 2023.

³³ G. Meloni, Meloni: democrazia e libertà ora difendiamole in Ucraina. Fascismo, noi incompatibili con qualsiasi nostalgia, in Corriere della Sera, 25 April 2023.

³⁴ G. Pistorio, La cessione di armamenti alle Forze armate ucraine, tra interpretazioni costituzionalmente e internazionalmente conformi e (ir)regolarità costituzionali, in Rivista AIC, n. 4, 2022.

³⁵ See the data and analysis by A. Missiroli, *Chiamata alle armi per l'industria della difesa*, In *Ispionline.it*, 24 February 2023.

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logistics – and in Italy, too, this orientation could lead to industrial policy choices aimed at supporting those productive sectors that are functional to Ukraine's resilience and to a favourable resolution of the conflict.

This brings us to a final point of analysis of the relationship between Italy and the European Union in the current phase of the mandate of Giorgia Meloni's government: that of the use of the financial resources of the Recovery and Resilience Facility (RRF), intended to complete the projects envisaged in the National Recovery and Resilience Plan (PNRR), for armaments. The political forces linked to the government majority in Italy have considered the possibility of using both the financial resources of the PNRR and the European Cohesion Funds to support this extraordinary expenditure. This chapter is part of the broader critical passage of Italy's ability to use productively and fully the amount of subsidies associated with European financial arrangements: this development should be addressed in conclusion.

6. PNRR and prospects for change in Italy

The critical issues on the horizon in mid-2023 are effectively illustrated as follows:

«The implementation of the NRP was closely linked to a comprehensive reform plan. This, at least, was clear to the European authorities. The plan could and can only be an effective economic and social stimulus if the administrative structures and procedures with which its objectives are to be developed are changed. (...) Without administrative simplification, unbureaucratisation, single texts and overcoming the conflict of competences between public administrations, we will continue to flounder between empty efficiency ideologies and equally impotent controlist ambitions. The example of health care is even more obvious. Until we understand that the institutional structure of the system is out of kilter, that each region is almost sovereign, that no authority really regulates and coordinates spending, that the relationship between public and private is becoming more and more unbalanced in favour of the latter, we will continue to spend billions without achieving anything. And all of this points to the need for a profound review of the issue of autonomy and the reorganisation of powers between the various subjects that, according to the Constitution, make up our State. The possibility of access to health care is a fundamental right, as is access to education. These are fundamental chapters in the disintegrating welfare state. Like health care, schooling has ceased to function as social promotion, a primary opportunity for the cultural and economic growth of the individual. And will it be investment in computers and new equipment for online teaching and so on that will improve the situation? Or will it be motivated and decently paid teachers? Or rather scholarships, advance salaries, student accommodation? It is the link between the plan and structural reforms that has not

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been brought into focus – and if it jumps, it will jump the plan in its strategic objectives. Development cannot be achieved with mere debt. It can be done with serious reforms. The knots summarised above seem to be outside the government's cone of light, but they are certainly not in the centre of the opposition's cone of lights ³⁶.

Much administrative and constitutional law literature has addressed the challenges and problems of the National Recovery and Resilience Plan, highlighting opportunities and contributions³⁷.

Faced with this scenario of reforms necessary for the country's progress and the administrative inability to carry them out, Giorgia Meloni's government seems to be heading towards a revision of the projects originally proposed by Italy and approved by the Union, and a consequent renegotiation of resources: it seems that the executive – according to the disorderly statements of ministers and vice-ministers – is no longer interested in them as a whole, fearing the risks of new debt in the face of objectives that are difficult to achieve.

In the parliamentary hearings in April devoted to the Def, both the Minister for Economic Affairs and Finance and the Governor of the Bank of Italy unravelled the knots in the plan's implementation. Ignazio Visco acknowledged the reliability of the overall growth picture painted by the DEF, but he did not fail to point out that «the uncertainties that still surround the growth trend make the implementation of the National Recovery and Resilience Plan crucial, as it could contribute to providing stability (...). These prospects are surrounded by extraordinary uncertainty, with significant downside risks. In such a context, the stabilising role of policy has been and remains relevant: in order for the instruments already available, in particular the interventions financed by the NRP, to be fully effective, it is crucial that their use be characterised by timeliness and efficiency». Equally eloquent were the remarks of Minister Giancarlo Giorgetti, who wished to start from the premise that Italy does not intend to deviate from the European fiscal path: «In 2024, the derogation clause of the Stability and Growth Pact will no longer be active. The next manoeuvre must be in line with the rules of the Stability Pact». He warned against the prospect of spending without having the resources: «The trend in interest expenditure, which will exceed 100 billion euros in 2026, must make us reflect on the tendency to use debt to finance legislative measures. It will therefore be necessary to pay the utmost attention to the definition of coverage, not only in terms of net balance and net borrowing, but also in terms of the needs of public administration and the cash forecast». In short,

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³⁶ M. Cacciari, Senza le riforme il Pnrr fallisce, in La Stampa, 9 June 2023: italics have been added.

³⁷ See M. D'Alberti, Il PNRR nel contesto delle pianificazioni, M. Libertini, Per una ripresa della cultura della programmazione. A proposito di PNRR e problemi di tutela dell'ambiente e A. Sandulli, Problematiche generali dell'attuazione del PNRR, in Federalismi, 15 February 2023. See also A. Conzutti, Il PNRR al crocevia tra forma di governo e tendenze in atto nel sistema euro-nazionale, in Quaderni Costituzionali, n. 4, 2022; B.G. Mattarella, L. Fiorentino, M. Cardone (eds.), L'attuazione del PNRR. Uno sguardo al futuro, in Amministrazione in cammino, 31 ottobre 2022.

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we go from 75 billion in 2023 to 100 billion in 2026: «these figures should make us reflect on the use of debt, which further reduces budgetary margins»³⁸. The link between compliance with European *fiscal rules* and the challenges posed by the NRP requires a careful assessment by the government.

The suspension of the Stability and Growth Pact in 2020, coinciding with the violent outbreak of the pandemic, is about to come to an end if the Union maintains its intention to reform this regulatory framework from the beginning of 2024: this means – in the Minister's view – that rigour in the management of public accounts must not be lost, even in the face of the scenario of extraordinary funds distributed as a result of the Next Generation EU, the use of which, if not balanced, could generate new debt without bringing about effective changes in the system.

The concerns of the Government of Giorgia Meloni regarding the inadequacy of so many administrative structures in Italy with regard to the requirements of the PNRR led to the adoption of Legislative Decree no. 13 of 24 February 2022, Disposizioni urgenti per l'attuazione del Piano nazionale di ripresa e resilienza (PNRR) e del Piano nazionale degli investimenti complementari al PNRR (PNC), nonché per l'attuazione delle politiche di coesione e della politica agricola comune, which introduced significant changes in the governance of the implementation of the Plan: the reform of the so-called "steering committee" is certainly aimed at speeding up the implementation of the reforms, but it also signals «some lines of development of longer-term endogovernmental relations, as well as some influence on relations with the European Union». The reform of the so-called 'control room' is certainly aimed at speeding up the completion of the reforms, but it also signals «some lines of development of longer-term endo-governmental relations, as well as a certain influence of relations with the European Union on the configuration of the executive». The new discipline is intended to strengthen the figure of the prime minister³⁹, also to cope with «the growing influence of relations with the European Union on the configuration of the executive» 40.

³⁸ G. Zapponini, Avanti, adagio. La crescita (e il Pnrr) secondo Giorgetti e Bankitalia, in Formiche.net, 20 aprile 2023.

³⁹ C. Tozzi, Procedure normative per l'attuazione del PNRR: tra vecchie e nuove prospettive di riforma, in Federalismi, n. 3, 2023, offers an analysis about this evolution. See also F. Polacchini, I riflessi del Pnrr sulla forma di governo e sui processi di indirizzo politico, in Forum Quaderni Costituzionali, n. 4, 2022; A. Tabacchi, Le procedure per l'esercizio dei poteri sostitutivi e il superamento dei dissensi nell'attuazione del PNRR, in Federalismi, n. 9, 2023.

⁴⁰ G. Menegus, La riforma della governance del PNRR, in Osservatorio costituzionale, n. 3, 2023, pp. 226 ss. The author recalls the doctrine that has already measured itself in the analysis of the impact of the NRP on the decision-making dynamics of the national form of government: A. Conzutti, Il PNRR al crocevia tra forma di governo e tendenze in atto nel sistema euro-nazionale, in Quaderni costituzionali, n. 4, 2022; G. Menegus, La governance del Piano Nazionale di Ripresa e Resilienza: la politica alla prova dell'attuazione, in Quaderni costituzionali, n. 4, 2021; N. Lupo, I poteri dello Stato italiano alla luce del PNRR: prime indicazioni, in Federalismi, n. 23, 2022; S. Niccolai, L'influenza del PNRR sui processi di decisione politica, in Rivista AIC, n. 3, 2022.

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The aim is to concentrate the various European funds under the same unified political management: a "PNRR Mission Structure" has thus been created, with the task of maintaining relations with the Commission and examining proposals for changes to the PNRR; with the consequent abolition of the Agency for Territorial Cohesion and the transfer of its functions to the Cohesion Policy Department of the Presidency of the Council of Ministers, also with the aim of «promoting integration between cohesion policy and the PNRR», as provided for in art. 50 of Legislative Decree no. 13/2023. Political negotiation thus seems to be the strategy in which the government has mainly invested, in a logic of strengthening the Presidency of the Council in order to guarantee the preservation of the unity of the political-administrative direction.

It is still too early to assess the results that the PNRR will produce in the country's economic and social system: what can already be seen is how this investment plan can have a powerful impact not only on changing the face of the national community – as was the intention of the European initiative inspired by solidarity with the States most tried by the pandemic crisis – but also on the complex of powers that lie within the government's domain and on relations between the Republic and the European Union. The latter appear to be characterised by a collaborative confrontation aimed at seeking useful solutions – both for the European and national levels – but repeatedly orientations of the Italian executive have emerged and continue to appear that are not always aligned with the spirit of European integration. Such result seems to be the result of a vision of the same integration process on the continent that is only partially based on an identity of views with the rest of the community of States.

Abstract: With reference to Italy's relations with the European Union, the paper analyses the positions and initiatives of the government of the Republic that took office at the beginning of the 19th legislative period. The issues of immigration, the signing of the ESM, the Russian-Ukrainian war, energy and environmental policy and the management of the resources of the Next Generation EU have been addressed by Giorgia Meloni's government in accordance with a precise ideological and identity line: this approach must be understood in terms of the objectives it pursues and the effects it produces in relations with the other states of the Union.

Abstract: Con riferimento ai rapporti dell'Italia con l'Unione Europea, il saggio analizza le posizioni e le iniziative del Governo della Repubblica insediatosi all'inizio della XIX legislatura. I temi dell'immigrazione, della firma del Mes, della guerra russo-ucraina, della politica energetica e ambientale e della gestione delle risorse del Next Generation EU sono stati affrontati dal governo di Giorgia Meloni secondo

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una precisa linea ideologica e identitaria: questo approccio va compreso in funzione degli obiettivi che persegue e degli effetti che produce nei rapporti con gli altri Stati dell'Unione.

Keywords: Italian Government – ESM – war – immigration - Next Generation EU

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