



SOIL PROTECTION AND MANAGEMENT OF WATERS FOR IRRIGATION AS CONSIDERED IN NEW ART. 117 OF CONSTITUTION AND IN CAP 2014/2020

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The modification of art. 117 of Italian Constitution represents the start of a reform aimed to reaffirm the centrality of State legislative power, restoring the distances between the State and the Regions.

In the new principles of art. 117 the “concurrent”, legislation on several topics (as the management of territory) shared by State and Region is disappeared and now only the State has the legislative power on these topics while the Regions can only implement the laws.

The management of territory seems now to be a State competence such as the hydrogeological protection of the territory and the strategic planning of waters for irrigation and energy.

Water is a mobile good in movement that can pass through different Regions; consequently the national system of control and delivery of waters must be considered part of the “strategical infrastructures” that art. 117, u) assign to the State, leaving to the Regions the competence for the infrastructural planning of the regional territory.

In this context Consorzi di bonifica are the only institutional subjects present on the territory to protect the hydrogeological structures. So the State necessarily should make use of Consorzi, even on the basis of State-Regions agreement on 18 September 2008 recognizing that “land reclamation has acquired multipurpose functions on the territory: soil defence, supply and management of waters for irrigation, protection and enhancement of the environment”. It should also be stressed that Consorzi’s irrigation is 2/3 of total of irrigation and that Consorzi, in 2014, have made projects for the management and the ordinary maintenance of territory for more than 500 millions euro.

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