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PUBLIC POLICIES ON SPORT IN THE PERSPECTIVE OF REDUCING INEQUALITIES AT LOCAL LEVEL: RECENT LEGISLATION IN ITALY

Abstract. The paper examines how public policies on sports can serve as a factor for reducing territorial inequalities and fostering local development. By analyzing recent legislative interventions in Italy, including the National Recovery and Resilience Plan and other sports-related initiatives, the paper explores the evolving role of sports in addressing social and territorial disparities. It emphasizes how public policies related to sports not only enhance territorial attractiveness but also contribute to social cohesion and urban regeneration, particularly in marginalized areas. These policies align with the recent reform of the Italian Constitution, recognizing sports as a tool for promoting sustainable development and reducing inequalities at the local level.

Keywords: sport; territorial development; public policies; inequalities; social cohesion; Italian National Recovery Resilience Plan; constitutional reform

INTRODUCTION

Scientific literature concerning sport as a factor of territorial attractiveness has often focused on the impact of a sporting event as a magnet for tourist flows and on the possible methods to manage these flows in a sustainable way both for the territory and for the communities involved.¹

¹ Anna Pioletti analyses the relationships between sport and tourism, highlighting nonetheless that “the relationship between sport, events and tourism received a growing attention from the international literature, from both the theoretical and methodological point of view, while in the Italian debate it has been discussed only recently. A surprising absence, if one considers the economic and cultural relevance of tourism and sport in the country” and concluding that “sport is a factor

The aim of the paper is to address whether and how sports can be considered as a factor of attractiveness for some areas in the context of territorial development. The analysis of the specific topic demands some preliminary reflections to verify what should be understood as territorial development and how public policies and legislation dedicated to sports can be a tool to pursue such development.

From a sociological perspective, some authors have recently highlighted a less *economic* and more *social* component of sport events in the positive impact that such events may have on social cohesion of a specific community or territory, triggering a renewal of the image, culture and identity of the involved territory.²

From a legal perspective, particularly in terms of public and administrative law, the intersection of sports and territory raises complex issues including the relationship between interests of the local communities, the decision-making process at the national or local level of governance and administrative implementation, sports tourism and its regulatory framework, accessibility and quality of public services during sporting events, temporary or permanent impact on the territory and landscape of sports infrastructure, and environmental sustainability of sport facilities.³

Furthermore, it might also be considered that sports infrastructure, particularly municipal sports facilities, as part of the inalienable assets of each municipality, under Article 826 of the Civil Code, are intended to serve the public interest in carrying out sports activities and cannot be diverted from their designated purpose, as they are subject to a functional obligation to be used for the benefit of the community.⁴ Therefore, if local authorities, in accordance

that can change the periodicity of tourism demand, improve and coordinate tourism flows by creating special paths, to plan structures in a given territory and accommodation facilities in its whole drawing new portions of sport tourists establishing or revitalizing the practice of any sport.” See A.M. PIOLETTI, *Sport as a driver for local development and sustainable tourism*, “International Journal of Sociocultural Community Development and Practices” (2017), no. 12, p. 31-44,

² G. BETTONI, *Lo sport attraverso la geopolitica*, in: *Geografia, geopolitica e geostrategia dello sport. Tra governance e mondializzazione*, ed. G. Bettoni, A.M. Pioletti, Quaepeg 2020, p. 168 which refers to sporting events as *communication opportunities* and as a lever for the creation of political-identity spaces, but also as a tool of influence in foreign policy.

³ As noted by Marcella Gola in her paper, tourism, in addition to increasing its importance as a factor in economic development, in recent times finds its relevance for the local culture and tradition, which central and local administration must be able to promote and enhance; see M. GOLA, *Offerta turistica d'eccellenza e organizzazione pubblica: circuiti nazionali e sistemi turistici locali*, [in:] *L'ordinamento del mercato turistico*, ed. S. Cogliani, M. Gola, M.A. Sandulli, R. Santagata, Torino 2012, p. 52

⁴ As expressed also by the administrative judicial decisions of the Regional Administrative Tribunal, Abruzzo, L'Aquila, sec. I, 9 February 2018, n. 54; Regional Administrative Tribunal,

with the recent legislation reorganizing local public services,⁵ establish a local public service, they will also be obliged to choose the preferred management method – either outsourcing the service (using procurement contracts or service concessions) or securing in-house services – taking into account aspects related to the quality of the service, infrastructure investments, public finances, costs for users, and the expected results.⁶

In other terms, the management and infrastructural development of sports facilities also impacts the local area and its development, requiring an effort of in-depth analysis and evaluation by local authorities to balance principles of competition, subsidiarity, including horizontal subsidiarity, efficiency in management, effectiveness in meeting needs of local communities, sustainable development, provision of services that are quantitatively and qualitatively adequate, application of tariffs based on efficient costs, promotion of investments in technological innovation, proportionality and appropriateness of the duration, transparency in the decisions made by the administrations, and the results of the management.

These connections represent possible parameters to understand the impact of sports on a territory, acknowledging that, whenever sensitive interests arise, such as environmental protection, landscape preservation and cultural heritage, political choices aimed at pursuing economic interests derived from the promotion of sporting events could be influenced, or even limited, respecting the proportionality principle. The complexity lies, indeed, in reconciling sports within individual/local contexts in a way that does not negatively interfere with sensitive interests, but rather serves as a means to enhance these sensitive interests intertwined within a territory and, ultimately, to increase the attractiveness of a territory.

This general premise is useful when analyzing some recent legislative interventions in the field of sports in the Italian legal system (including the constitutional reform,⁷ the National Recovery and Resilience Plan (NRRP),⁸ the

Abruzzo, Pescara, sec. I, 11 July 2016, n. 258; Regional Administrative Tribunal, Lombardia, Milano, sec. V, 4 January 2024, no. 26.

⁵ Decree of 23 December 2022, no. 201.

⁶ See R. CHIEPPA, G. BRUZZONE, A. MOLITERNI (eds.), *La riforma dei servizi pubblici locali*, Milano 2023; R. VILLATA (ed.), *La riforma dei servizi pubblici locali*, Torino 2023.

⁷ Constitutional Law of 26 September 2023, No. 1, amending Article 33 of the Italian Constitution regarding sports activities, added a seventh paragraph to Article 33 stating: “The Republic recognizes the educational and social value and the promotion of psychophysical well-being of sports activities in all their forms.”

⁸ The NRRP is a strategic document that falls within the framework of the Next Generation EU (NGEU) program launched by the European Union in response to the COVID-19 pandemic. The

Sports and Suburbs Call⁹ and the decree on the reorganization of sports facilities¹⁰), which show that the Italian legislator seems to emphasize sport as a factor in reducing local inequalities or, in other words, as a tool to mitigate one of the causes (territorial inequality) that negatively impacts the attractiveness of territories and territorial development.

THE EVOLUTION OF THE CONCEPT OF TERRITORIAL DEVELOPMENT

First and foremost, one may question what *territorial development* means today. In order to verify whether public policies about sports can be a useful tool to mitigate territorial inequalities, it seems useful to assess whether the concept of territorial development today requires public decision-makers to make choices aimed at reducing inequalities and promoting social and territorial cohesion, and therefore, to identify the tools to pursue these objectives.

The answer is rather complex, as it is necessary to consider that the concept of territorial development is not unambiguously defined. Instead, it is broad, flexible, subject to variation over time and space and influenced by the goals and values that public decision-makers aim to pursue in relation to this concept. In this sense, it has been pointed out that the logic of the market and economic redistribution has been abandoned in favor of a logic centered on

Recovery and Resilience Facility (RRF), spanning six years from 2021 to 2026, with a total budget of 672.5 billion euros in financial support to various countries, represents the main component of the program. On June 22, 2021, the European Commission published the Council's draft implementing decision, providing a positive assessment of the Italian PNRR, and on July 13, 2021, the PNRR was definitively approved by the implementing decision, which endorsed the Commission's proposal. In legal scholarship, see B. CARAVITA, *PNRR e Mezzogiorno: la cartina di tornasole di una nuova fase dell'Italia*, [in:] *Il PNRR alla prova del Sud*, ed. L. Bianchi, B. Caravita, Napoli 2021; M. CLARICH, *Il PNRR tra diritto europeo e nazionale: un tentativo di inquadramento giuridico*, "ASTRID-Rassegna" (2021), no. 12; N. LUPO, *I poteri dello Stato italiano alla luce del PNRR: prime indicazioni*, "Federalismi.it" (2022), no. 23, p. 2-19.

⁹ A fund was established by Article 15, paragraphs 1 and 2, of the Decree of 25 November 2015, no. 185, for the purpose of enhancing national competitive sports activities and developing the related culture in disadvantaged areas and suburbs. The goal is to address socio-economic imbalances and increase urban security through the construction and regeneration of sports facilities for national competitive sports, the development of related culture and the distribution of sports equipment in disadvantaged areas and suburbs. Law no. 197 of 29 December 2022, regarding the State Budget for the financial year 2023 and the three-year budget for the years 2023-2025, increased the allocations of the Sport and Suburbs Fund by 50 million euros for each year from 2023 to 2025. By the ministerial decree of July 8, 2023, 75 million euros were allocated to finance the interventions.

¹⁰ Legislative Decree of 28 February 2021, no. 38.

the economic development of territories, which is tied to progress based on solidarity and cooperation, functional to reducing social inequalities.¹¹

The concept of *territory* itself has also undergone critical reassessment.¹² In scholarly discussions,¹³ it has been highlighted that *territory* can no longer be regarded as merely a container, a pure geographic space subject to development and planning processes but, instead, it should be understood as a relational space, a set of relationships that manifest themselves on the geographic space and intrinsically influence its structure.¹⁴

Therefore, territory, once perceived as mere geographic space, considered in its physical and material dimension, is now understood in a more modern sense as a relational space. It is an expression of changing social needs determined by the interaction between public and private interests, both economic and social in nature.

The qualification of the territory in this sense leads to a change in the very conception of the administrative function of territorial governance, where, as highlighted by legal scholars, there is a tension between institutional legal facts and socio-economic facts.¹⁵ Indeed, the very structure of territories is constantly evolving due to historical changes, socio-economic development, population flows, demographic trends, and de-urbanization phenomena. This evolution requires, on the political-institutional side, the identification of appropriate forms of governance for territorial realities and, on the administrative side, the distribution and allocation of public functions and services to citizens.

¹¹ Cf. A. IACOPINO, *Heritage, turismo e comunità*, “Rivista italiana di Diritto del turismo” (2023), no. 38, p. 48-71.

¹² According to Mario Rosario Spasiano, the territory has the duty but also the right to be the reflection of those who live in it, offering itself to each as a common good, which is everyone’s good, with consequent responsibility, and not generically for all. And he who lives in it, whether indigenous or immigrant, has the right to his own city, of which he is co-responsible, an inhabitant of that city, already outlined by the choices of the community, where planning based on urban regeneration acquires the profound meaning of a cultural revision in terms of awareness of one’s own life, individual and relational: an osmotic relationship made by the self, but necessarily and contextually also by the other. See M.R. SPASIANO, *Riflessioni in tema di rigenerazione urbana*, “Riv. Giur. Urb.” (2022), no. 2, 404.

¹³ See also P. URBANI, *Conformazione dei suoli e finalità economico sociali*, “Urb. App.” (2013), 59ff.; P. CARPENTIERI, *Il “consumo” di suolo del territorio e le sue limitazioni. La “rigenerazione urbana”*, [in:] *Atti del LXV Convegno di Studi di Scienza dell’Amministrazione – Dall’urbanistica al governo del territorio*, Milano 2020, p. 200.

¹⁴ See F. PATRONI GRIFFI, *Dall’urbanistica al governo del territorio. Valori culturali, crescita economica, infrastrutture pubbliche e tutela del cittadino*, in *Atti del LXV Convegno di Studi di Scienza dell’Amministrazione – Dall’urbanistica al governo del territorio*, Milano, 2020, p. 31.

¹⁵ F. PATRONI GRIFFI, *Dall’urbanistica al governo del territorio. Valori culturali, crescita economica, infrastrutture pubbliche e tutela del cittadino*, in www.giustizia-amministrativa.it, p. 1ff.

It thus emerges that the administrative powers affecting the territory, and therefore the urban planning administrative function,¹⁶ shall not be merely intended as a coordinated regulation of land use and building expansion on the territory, but rather is to be qualified as an instrumental function aimed at the overall and harmonious development of the area. According to the most recent rulings of the Constitutional Court and of the administrative judge, the power of urban planning is “functionally directed toward the balanced realization of a plurality of different public interests, which are rooted in constitutionally guaranteed values.”¹⁷

At the same time, the concept of *development* in the contemporary debate undoubtedly requires an analytical perspective covering various aspects, including the economic, social, and environmental dimensions, following the integrated approach promoted by the principle of sustainable development.

In light of such evolutions, territorial development policies should be understood as strategies directed simultaneously towards economic growth and social progress within the framework of sustainable development.¹⁸

The principle of sustainable development finds its legal relevance as a guidance for political and administrative choices and as a limit to the administrative choices impacting public and private interests. Its application involves long-term investments that comprehensively consider interconnected constitutional rights and values expressed in the territory, such as the environment, landscape, job protection, health, individual development, social formations, substantive equality, and territorial autonomy.

Moreover, this is consistent with Article 3 of the Treaty on European Union (TEU), which states that the European Union promotes economic, social and territorial cohesion, fights social exclusion and discrimination and works “for

¹⁶ A. BARTOLINI, *Urbanistica* (voce), “Enc. Dir., I Tematici” 3 (2022), p. 1260-1297.

¹⁷ See the ruling of the Constitutional Court of 6 October 2021, no. 202, where it recalls and cites the case law of administrative judges, expressed by the Council of State, sec. IV, 9 May 2018, n. 2780, and the Council of State, sec. IV, 10 May 2012, n. 2710, with comment of Paolo Urbani; see his *Conformazione dei suoli e finalità economico sociali*, “Urb. App.” (2013), p. 59-70.

¹⁸ Bernardo Giorgio Mattarella, in identifying some fixed points regarding the principle of sustainable development and its legal relevance, argues that, firstly, it is a principle aimed at exerting its effects over time, guiding political and administrative choices. Rather than expressing a defined and permanent arrangement of interests, it operates dynamically, through the definition of objectives to be achieved and decision-making methods and processes. Secondly, the principle expresses a fundamental need for balancing different interests and different subjects: those of the present and those of the future, those related to well-being and development and those related to the conservation of resources, the interests of those who are already in the state of well-being and the interests of those who must achieve it; see B.G. MATTARELLA (ed.), *Il governo dello sviluppo sostenibile*, Torino 2023.

the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment.”¹⁹

The struggle against inequalities and social exclusion promotes sustainable growth by encouraging the launch of entrepreneurial activities, fostering investments and ensuring stable employment, especially for young people and women. It contributes to increasing public safety and, in general, improving the quality of life in administered communities.

The evolution of the concepts of territory and development highlights, from one perspective, the plurality of intersecting interests when attempting to define these concepts. The *territory* is influenced by private interests, such as property and private economic initiative, and public interests, including orderly land use, urban development, landscape and environmental protection, and the development of public green spaces; the concept of *development* has to be accompanied by an attribute that specifies the direction toward which the development is aimed.

From another perspective, the evolution of these concepts shows that the *social* component is a guiding objective for public interventions, serving both as a limit to the power of public and private actors and as a balancing factor among conflicting interests. In this sense, the territory is no longer seen solely as a physical place, but also as a relational space where a community develops; similarly, the very concept of development promotes a logic inspired by sustainable growth, where sustainability is understood in economic, environmental, and social terms.

¹⁹ R. DIPACE, *Politiche e strumenti amministrativi per lo sviluppo economico*, “Dir. Amm.”, (2020), no. 4, p. 912. In illustrating the main actions taken at the European level following the economic crisis generated by the pandemic, the author explains that what is even more significant is the consideration that the measures put in place go far beyond the reaction to the contingency due to the pandemic and outline the lines for European economic development in line with what is stated in Article 3 TEU, i.e., the full realization of a social market economy where social interests play a fundamental role. The author specifies that it is necessary to note that the TEU unfolds the concept of economic growth aimed at full employment and social progress, also through sustainable development and that a substantial action to review European cohesion policy has recently begun, also through the revision and reprogramming of European funds (React EU Plan 2021/2027) that should provide a very significant assistance in overcoming the crisis resulting from the pandemic. The planned interventions, therefore, in addition to strengthening economic recovery, are functional, in line with what is foreseen by the TEU, to combat phenomena of social exclusion, promoting the promotion of economic, social, and territorial cohesion and solidarity among the Member States.

If, therefore, the concepts of territory and development, in their evolution, seem to promote a social dimension, arising from the balancing of multiple interests, it could be argued that public administrators should be encouraged to elaborate territorial development policies where the *social* component represents a key element to promote and enhance the territory.

The territory, as a place for the development of the individual and the community and as a source of values and interests, can be enhanced through the promotion of public policies aimed at removing all obstacles which may slow down or prevent development, obstacles which are also represented by social and economic inequalities.

LOCAL INEQUALITIES AND TERRITORIAL DEVELOPMENT IN ITALY

In the Italian context, combating inequalities and social exclusion at the local level represents a crucial objective for territorial development.

This is particularly evident when considering, as has been well highlighted by legal scholars,²⁰ that the expression “territorial gap” embeds economic inequalities, partly linked to different standards of quality in provided services, resulting in greater difficulty of access to these services, but also profound organizational differences among the relevant administrations, leading to significant institutional disparities.

Additionally, there are cultural and social distances, stemming from the varying capacity of territories to promote the full development of individuals and social formations that ought to ensure their fulfillment.

The disparities²¹ observed in the Italian territorial context are one of the main causes of the country’s lack of development²² and, therefore, are given

²⁰ See M.C. CAVALLARO, *Divario territoriale, coesione sociale e tutela dei diritti: il ruolo delle regioni in tempo di crisi*, “PA Persona e Amministrazione” 9 (2021), no. 2, p. 80: the “territorial gap” becomes synonymous with “structural inequality”, which results in a different guarantee of fundamental rights.

²¹ According to Sabino Cassese, today the “Southern question” has three characteristics: firstly, the gap increases, even if the delay decreases because if the South walks, the North runs (but the European economy runs even more); secondly, the institutional delay increases: in the South, the quality of institutions is generally lower than in the North; thirdly, the compared temporal delay is accentuated: in less than thirty years, Germany has managed to significantly reduce the gap between western and eastern regions, Spain has done the same with Andalusia in a comparable period; see S. CASSESE, *Dallo sviluppo alla coesione. Storia e disciplina vigente dell’intervento pubblico per le aree insufficientemente*, “Riv. Trim. di Dir. Pubblico” (2018), no. 2, p. 598.

²² See the report of the Italian National Institute of Statistics of 25 January 2023, titled *Territorial Disparities in the PNRR: Ten Objectives for the South of Italy*, available at www.istat.it,

primary consideration by the legislator in the formulation of development policies to promote the sustainable growth of the territories.²³

Moreover, an additional complication lies in the fact that the disparities causing underdevelopment are of various natures and origins, as highlighted in the report by the National Institute of Statistics, where issues such as education and youth employment and emigration, the digital divide, the efficiency of infrastructure networks, and the development of socio-educational services are analyzed.²⁴

This is evident, first and foremost, in the approach that the Italian legislator has taken to develop the National Recovery and Resilience Plan (PNRR): one of the three cross-cutting priorities across the six Missions of the PNRR is territorial rebalancing and the revitalization of Southern Italy.

The strategic axis of social inclusion aims to reduce the citizenship gap, overcome deep inequalities, address the weaknesses in the productive system of the South, and support the process of convergence between the South and the Center-North as an economic growth objective. To this end, the NRRP allocates to the eight Southern regions a set of resources equal to no less than 40% of the territorializable resources of the PNRR (approximately 82 billion, including the National Fund complementary to the PNRR), in addition to the 34 percent envisaged by current regulations for Southern Italy in the allocation of ordinary investments intended for the entire national territory.

Since one of the reasons preventing territorial development is represented by local disparities, it seems reasonable to affirm that the increase in the attractiveness of a territory is also promoted through interventions and policies aimed at counteracting social and territorial disparities and, through this lens,

where it is stated that a significant portion of the Italian territory is characterized by relevant and persistent disparities. The South of Italy is the largest backward territory in the euro area, which has been severely affected by the Great Recession of 2008 and, more recently, the impact of the pandemic. However, it is also a context with great potential and internal differentiations, home to over twenty million inhabitants (about a third of the Italian population), with a productive fabric that – albeit weak and incomplete – could generate positive effects for the country.

²³ On economic development and territorial inequalities, see A. ROMEO, *Sviluppo economico e disuguaglianze territoriali: il divario nord-sud nell'Italia del nuovo millennio*, “Dir. Amm.” (2020), no. 4, p. 807, where the author warns that examining the theme of economic development in Italy means addressing the issue of regional disparities which addresses different features depending on a different time frame, context, and diverse perceptions in which it has developed over the years.

²⁴ See the ISTAT Report (2023), which examines various aspects, including economic disparities (through an analysis of per capita GDP), those related to education and youth employment and emigration, the digital divide, the efficiency of infrastructure networks, and the development of socio-educational services.

as it will be explored, recent normative interventions concerning sport appear to pursue this aim.

SPORT POLICIES AS A FACTOR OF ATTRACTIVENESS FOR THE TERRITORY

With these premises, it seems possible to address the question about how *sport* fits into this context.

The recent Italian legislative trends in the field of sports allow us to affirm that public policies concerning sports must be considered as policies to counteract social and territorial disparities, contributing to territorial development and representing a factor of attractiveness for the territory.

In this regard, a key legislative intervention linking sports to territorial development through the reduction of inequalities is the Sports and Suburb Fund, established in 2015 and consistently financed over the years, most recently in 2024 with more than one hundred million euros. Indeed, Article 15 of the decree of 25 November 2015, n. 185, converted into law of 22 January 2016, no. 9, states that the fund is established “with the aim of removing economic and social imbalances and increasing urban safety”, thus connecting the normative intervention about sport to the prevention of social and economic imbalances.

With the fund, the Department of Sports pursues the following objectives: a) reduction of marginalization and social degradation phenomena; b) improvement of urban quality and redevelopment of social fabric; c) increase in urban safety, also through the promotion of sports activities; d) promotion of a culture of respect and social justice, through the funding of projects for the construction and regeneration of sports facilities for national competitive activities in disadvantaged areas and urban peripheries, as well as for the completion and adaptation of existing sports facilities for national and international competitive activities.

In other words, in order to render suburbs more attractive, both by increasing public safety and reducing environmental degradation, public policies use sports as a factor in social and cultural integration.

The same approach of promoting territorial development by reducing inequalities is pursued through sports within the framework of the NRRP.

Indeed, interventions related to sports are placed in Mission 5, “Inclusion and Cohesion” – Component 2, dedicated to “Social Infrastructure, Families, Communities, and the Third Sector”.

In particular, Investment 3.1, called “Sports and Social Inclusion”, managed by the Department for Sports, is funded with an amount of 700 million and aims to promote the recovery of urban areas by focusing on the regeneration and new construction of sports facilities, as well as the creation of equipped integrated urban parks with the goal of fostering social inclusion and integration, especially in the most degraded areas and with particular attention to disadvantaged individuals.

More recently, through the implementation of the Decree issued by the Minister of Sport and Youth on May 30, 2024, a part of the resources allocated for the aforementioned investment has been directed towards financing the construction of sports facilities in island municipalities, with the aim of redevelopment of urban areas and promotion of social inclusion. The territories that will benefit from the investment are classified as predominantly peripheral and ultra-peripheral and it is further specified that municipalities with mainland territory or sparsely populated territories are excluded from the funding, as they are characterized by a less disadvantaged situation, having greater access to sports facilities located in nearby areas. The reason for this exclusion thus lies in the need to ensure the allocation of resources to the most disadvantaged areas.

Furthermore, it may be noted that even in investments specifically dedicated to urban regeneration (M5C2.2) the legislator has included sports and interventions related to sports facilities.²⁵

Indeed, Investment 2.1, dedicated to “urban regeneration projects aimed at reducing situations of marginalization and social degradation” may involve actions such as maintenance for the reuse and repurposing of public areas and existing public buildings for public interest purposes, as well as the construction renovation of public buildings to promote sports activities.

Consistently with what has been exposed so far, Investment 1.3, “Enhancement of sports facilities in schools”, falls within Mission 4 of the PNRR, dedicated to “Education”, managed by the Ministry of Education and funded with 300 million euros.

The purpose of the investment is to enhance sports facilities and promote sports activities starting from the early grades of primary schools. In the perspective of the plan, the implementation of sports facilities within or close to

²⁵ See A. GIUSTI, *La rigenerazione urbana come strategia di ripresa e resilienza* “Munus” (2021), no. 2, p. 330-331; GIUSTI, *La rigenerazione urbana tra consolidamento dei paradigmi e nuove contingenze*, “Dir. Amm.” (2021), no. 2, p. 440; L. BELLICINI, *Rigenerazione urbana sostenibile* (voce), “Enc. It. Treccani” (2015), Appendix 9.

schools is functional to achieve a dual objective: promoting sports and physical activities in schools and – more relevant to the present discourse – guaranteeing the availability of sports facilities, whether new or renovated, to the entire local community outside of school hours through agreements and arrangements with schools, local authorities, and local sports associations.

In other words, the investment is beneficial for both local authorities and individual territorial entities since it allows the revitalization of areas and urban spaces adjacent to schools and promotes greater openness of schools to the community, benefiting the entire local community and making the territory more attractive.

Outside the NRRP, it is worth mentioning the recent legislative intervention regarding the reorganization of the regulations on sports facilities introduced by the Italian legislator with Decree No. 38 of February 28, 2021.²⁶ This decree established provisions related to the construction, renovation, management and safety of sports facilities, including those in schools.²⁷

The legislation primarily focuses on the procedural aspects of the interventions related to sports facilities but it seems also possible to envisage an approach which is intended to promote a sustainable territorial development.

Indeed, in the realization or redevelopment of sports facilities, a preference is accorded to projects that offer the best balance between costs and benefits for the community, considering adherence to the principles of economic, territorial, environmental, and social sustainability, as well as the social impact of the intervention.²⁸

Moreover, from a systemic perspective,²⁹ such legislation can have a significant impact on territorial development from multiple perspectives. It allows the expansion and growth of local services for the benefit of the reference

²⁶ Legislative Decree No. 38 of 28 February 2021 implementing Article 7 of Law No. 86 of 8 August 2019, containing measures for the reorganization and reform of safety regulations for the construction and operation of sports facilities and regulations for the modernization or construction of sports facilities (published in the Official Gazette on March 19, 2021).

²⁷ For a comment, see M. SALZANO, *Profili di governo del territorio, servizi e impianti sportivi*, [in:] *Argomenti di diritto nazionale e internazionale dello sport e di giustizia sportiva*, ed. G. Terracciano, P. Sandulli, C. Rombolà, Roma 2022, p. 203ff.

²⁸ See Article 4 of Decree No. 38/2021.

²⁹ For a systemic view of sports, see G. DEL GAUDIO, V. DELLA CORTE, A. FORIMISANO, R. VONA, *Sport e valorizzazione del territorio*, Padova 2023, p. 23, where it is stated that sports entities should be conceived not as islands in the desert but as part of an ecosystem that encompasses a complex network (teams, event organizers, supporters, authorities, etc.) and different contexts (social, cultural, historical, and suppliers, etc.) that interact with other ecosystems (sponsors, media, suppliers, etc.).

community; it facilitates the enhancement of the territory through urban regeneration practices, reducing urban and social degradation; it creates the necessary preconditions for a specific area or territory to host national and international sports events, with positive repercussions for the territory and the community in terms of increased sports tourism, improved urban safety, and employment opportunities in the sport sector and in related services.³⁰

The mentioned legislative interventions promote an improvement of the territory through actions of different nature and scope, emphasizing the value of sports, which goes beyond the individual sphere and, instead, extends its influence over the community and the territory where the interests of the relevant community are manifested.

CONCLUSIONS

From our overview of recent legislation about sport and sport facilities, it seems possible to observe a trend in Italian legislation to develop sports policies that contribute to sustainable territorial development through the promotion of the territory and the relationships that are integrated into it, as well as through the quantitative and qualitative increase of sports services and related services for the reference communities, with the goal to reduce territorial and social disparities.

These legislative interventions align coherently with the constitutional framework, now enriched by the seventh paragraph of Article 33 of the Italian Constitution, where it is established that “the Republic acknowledges the educational, social, and psychophysical well-being-promoting value of sports activities in all their forms.”³¹

The connection between sports policies, the reduction of social and territorial disparities, and territorial development is an expression of the social value that the Italian Constitution attributes to sports activities in all their forms. It obliges all levels of government to consider sports as a unifying factor and as a tool for inclusion for individuals and groups facing various forms

³⁰ DEL GAUDIO ET AL., *Sport e valorizzazione del territorio*, 34.

³¹ Article 33, paragraph 7 of the Italian Constitution: “La Repubblica riconosce il valore educativo, sociale e di promozione del benessere psicofisico dell’attività sportiva in tutte le sue forme.” See T. E. FROSINI, *La dimensione costituzionale dello sport*, “Federalismi.it” (2022), no. 6, p. 2-8; M. Di MASI, *Dall’etica alla costituzionalizzazione dello sport. Brevi note sulla riforma dell’articolo 33 della Costituzione*, “Federalismi.it” (2023), no. 22, p. 124.

of disadvantage or marginalization, particularly those of a socio-economic nature stemming from less developed territorial contexts.

The introduction of sports and its educational, social, and psychophysical value assumes great significance in connection with Articles 2 and 3 of the Italian Constitution, which promote the development of the human person, both as an individual and within social groups, and call for the fulfillment of the imperative duties of social solidarity and the removal of economic and social obstacles that, by limiting freedom and equality of citizens, prevent the full development of the human person.

Thanks to the analysis of the normative trends and the social value of sport, it seems possible to affirm that sports not only serve as a powerful territorial factor of attractiveness during contingent or episodic events, but – and this is even more significant – public sport policies have the capacity to mitigate some of the structural causes of territorial underdevelopment, including social and territorial disparities, through the promotion of systematic interventions and a long-term perspective, emphasizing the intrinsic value of sports in the fair and sustainable development of communities.

The importance of sports (and its public policies), thus, emerges both as an expression of individual and social values and as a vehicle for promoting these values within civil society.³² In conclusion, sport, in addition to representing a value itself, becomes a tool for promoting other values, contributing to the creation of a more peaceful, fraternal, and equitable society.³³

BIBLIOGRAPHY

- BACH Thomas, *Il valore dello sport e il senso della comunità*, Vatican City, Conference “Sport for all”, Roma, 30 September 2022.
- BARTOLINI Antonio, *Urbanistica* (voce), “Enc. Dir. I Tematici” 3 (2022), p. 1260-1297.
- BATTELLI Ettore, *Una lettura assiologicamente orientata del fenomeno sportivo alla luce del riconoscimento costituzionale dello sport*, “Rivista di diritto sportivo” (2023), no. 2, p. 299-320.
- BELLICINI Lorenzo, *Rigenerazione urbana sostenibile* (voce), “Enc. It. Treccani” (2015), Appendix 9.
- BETTONI Giuseppe, *Lo sport attraverso la geopolitica*, [in:] *Geografia, geopolitica e geostrategia dello sport. Tra governance e mondializzazione*, ed. Giuseppe Bettoni, Anna Maria Pioletti, Quaepeg 2020, p. 155-187.

³² E. BATTELLI, *Una lettura assiologicamente orientata del fenomeno sportivo alla luce del riconoscimento costituzionale dello sport*, “Rivista di diritto sportivo” (2023), no. 2, p. 3.

³³ T. BACH, *Il valore dello sport e il senso della comunità*, Vatican City, Conference “Sport for all”, Roma, 30 September 2022.

- CARAVITA Beniamino, *PNRR e Mezzogiorno: la cartina di tornasole di una nuova fase dell'Italia*, [in:] *Il PNRR alla prova del Sud*, ed. Luca Bianchi, Beniamino Caravita, Napoli 2021.
- CARPENTIERI Paolo, *Il "consumo" di suolo del territorio e le sue limitazioni. La "rigenerazione urbana"*, [in:] *Atti del LXV Convegno di Studi di Scienza dell'Amministrazione – Dall'urbanistica al governo del territorio*, Milano 2020, p. 127-216.
- CASSESE Sabino, *Dallo sviluppo alla coesione. Storia e disciplina vigente dell'intervento pubblico per le aree insufficientemente*, "Riv. Trim. di Dir. Pubblico" (2018), no. 2, p. 579-598.
- CAVALLARO Maria Cristina, *Divario territoriale, coesione sociale e tutela dei diritti: il ruolo delle regioni in tempo di crisi*, "P.A. Persona e Amministrazione" 9 (2021), no. 2, p. 61-87.
- CHIEPPA Roberto, BRUZZONE Ginevra, MOLITERNI Alfredo (eds.), *La riforma dei servizi pubblici locali*, Milano 2023.
- CLARICH Marcello, *Il Pnrr tra diritto europeo e nazionale: un tentativo di inquadramento giuridico*, "ASTRID-Rassegna" (2021), no. 12, p. 1-15.
- DEL GAUDIO Giovanna, DELLA CORTE Valentina, FORIMISANO Alessandro, VONA Roberto, *Sport e valorizzazione del territorio*, Padova 2023.
- DI MASI Maurizio, *Dall'etica alla costituzionalizzazione dello sport. Brevi note sulla riforma dell'articolo 33 della Costituzione*, "Federalismi.it" (2023), no. 22, p. 124-134.
- DIPACE Ruggiero, *Politiche e strumenti amministrativi per lo sviluppo economico*, "Dir. Amm." (2020), no. 4, p. 903-932.
- FROSINI Tommaso Edoardo, *La dimensione costituzionale dello sport*, "Federalismi.it" (2022), no. 6, p. 2-8.
- GIUSTI Annalisa, *La rigenerazione urbana come strategia di ripresa e resilienza*, "Munus" (2021), no. 2, p. 329-344.
- GIUSTI Annalisa, *La rigenerazione urbana tra consolidamento dei paradigmi e nuove contingenze*, "Dir. Amm." (2021), no. 2, p. 439-474.
- GOLA Marcella, *Offerta turistica d'eccellenza e organizzazione pubblica: circuiti nazionali e sistemi turistici locali*, [in:] *L'ordinamento del mercato turistico*, ed. Solveig Cogliani, Marcella Gola, Maria Alessandra Sandulli, Renato Santagata, Turin 2012, p. 51-68.
- IACOPINO Annarita, *Heritage, turismo e comunità*, "Rivista italiana di Diritto del turismo" (2023), no. 38, p. 48-71.
- LUPO Nicola, *I poteri dello Stato italiano alla luce del PNRR: prime indicazioni*, "Federalismi.it" (2022), no. 23, p. 2-19.
- MATTARELLA Bernardo Giorgio (ed.), *Il governo dello sviluppo sostenibile*, Torino 2023.
- PATRONI GRIFFI Filippo, *Dall'urbanistica al governo del territorio. Valori culturali, crescita economica, infrastrutture pubbliche e tutela del cittadino*, [in:] *Atti del LXV Convegno di Studi di Scienza dell'Amministrazione – Dall'urbanistica al governo del territorio*, Milano 2020, p. 17-34.
- PIOLETTI Anna Maria, *Sport as a driver for local development and sustainable tourism*, "International Journal of Sociocultural Community Development and Practices" (2017), no. 12, p. 31-44.
- ROMEO Anna, *Sviluppo economico e disuguaglianze territoriali: il divario nord-sud nell'Italia del nuovo millennio*, "Dir. Amm." (2020), no. 4, p. 807-842.
- SALZANO Marco, *Profili di governo del territorio, servizi e impianti sportivi*, [in:] *Argomenti di diritto nazionale e internazionale dello sport e di giustizia sportiva*, ed. Gennaro Terracciano, Piero Sandulli, Carlo Rombolà, Roma 2022, p. 187-208.

SPASIANO Mario Rosario, *Riflessioni in tema di rigenerazione urbana*, "Riv. Giur. Urb." (2022), no. 2, p. 394-407.

URBANI Paolo, *Conformazione dei suoli e finalità economico sociali*, "Urb. App." (2012), no. 1, p. 59-70.

VILLATA Riccardo (ed.), *La riforma dei servizi pubblici locali*, Torino 2023.

POLITYKA PAŃSTWA DOTYCZĄCA SPORTU W KONTEKŚCIE
ZMNIEJSZANIA NIERÓWNOŚCI NA POZIOMIE LOKALNYM.
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Streszczenie

W artykule zbadano, w jaki sposób polityka publiczna w zakresie sportu może służyć jako czynnik zmniejszania nierówności terytorialnych i wspierania rozwoju lokalnego. Analizując ostatnie zmiany w prawodawstwie włoskim, w tym Narodowy Plan Odbudowy i Odporności oraz inne inicjatywy związane ze sportem, autorka bada zmieniającą się rolę sportu w rozwiązywaniu nierówności społecznych i terytorialnych. Podkreśla, w jaki sposób polityka publiczna związana ze sportem nie tylko zwiększa atrakcyjność różnych obszarów kraju, ale także służy zwiększaniu spójności społecznej i rewitalizacji miast, szczególnie na obszarach zmarginalizowanych. Polityka ta jest zgodna z niedawną reformą włoskiej konstytucji, uznającą sport za narzędzie promowania zrównoważonego rozwoju i zmniejszania nierówności na poziomie lokalnym.

Słowa kluczowe: sport; rozwój terytorialny; polityka publiczna; nierówności; spójność; Narodowy Plan Odbudowy i Odporności; reforma konstytucji