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In order to address the question of this thematic session, namely whether sports can be a factor of attractiveness for territories, it seems useful to make some preliminary reflections to verify what should be understood as territorial development and how public policies dedicated to sports can be a tool to pursue such development.

This premise is useful to delve into some recent legislative interventions in the field of sports in the Italian legal system (including the constitutional reform¹, the National Recovery and Resilience Plan - NRRP², the Sports and Suburbs Call³, and the decree on the reorganization of sports facilities⁴), from which it seems possible to deduce a trend by the Italian legislator to consider sports 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.

First and foremost, one may question what *territorial development* means today. The answer is rather complex, as it is necessary to consider that the concept of

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

² The National Recovery and Resilience Plan (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 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 and Mezzogiorno: *PNRR e Mezzogiorno: la cartina di tornasole di una nuova fase dell’Italia*, in L. BIANCHI and B. CARAVITA (eds.), *Il PNRR alla prova del Sud*, Napoli, 2021; M. CLARICH, *Il PNRR tra diritto europeo e nazionale: un tentativo di inquadramento giuridico*, in *ASTRID-Rassegna*, 2021, n. 12; N. LUPO, *I poteri dello Stato italiano alla luce del PNRR: prime indicazioni*, in *Federalismi*, 2022, n. 23, pp. 2-19.

³ The Fund was established by Article 15, paragraphs 1 and 2, of the legislative decree of November 25, 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 December 29, 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 ministerial decree on July 8, 2023, 75 million euros were allocated to finance the interventions.

⁴ Legislative Decree of February 28, 2021, no. 38.

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.

The very concept of *territory* has also undergone critical reassessment⁵. In scholarly discussions, 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*⁶.

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.

At the same time, the concept of *development* in the contemporary debate undoubtedly requires an analytical perspective that encompasses various dimensions, 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

⁵ According to M.R. SPASIANO, *Riflessioni in tema di rigenerazione urbana*, in *Riv. Giur. Ed.*, 2022, 2, p. 404, 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 also, P. URBANI, *Conformazione dei suoli e finalità economico sociali*, in *Urb. App.*, 2013, p. 59 ss.; 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.

⁶ See F.P. 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.

within the framework of sustainable development⁷. This 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 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*”⁸.

The fight 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

⁷ B.G. MATTARELLA (edited by), *Il governo dello sviluppo sostenibile*, Turin, 2023, 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, those of those who are already in a condition of well-being and those of those who must achieve it.

⁸ R. DIPACE, *Politiche e strumenti amministrativi per lo sviluppo economico*, in *Dir. Amm.*, 2020, 4, p. 912, in illustrating the main actions taken at the European level following the economic crisis generated by the pandemic, 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 art. 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 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.

contributes to increasing public safety and, in general, improving the quality of life in administered communities.

Given this premises, public decision-makers should be encouraged to elaborate territorial development policies where the *social* component represents a key element to promote and enhance the territory.

In the Italian context, the fight against inequalities and social exclusion at the territorial level represents crucial objectives for territorial development.

This is particularly evident when considering, as has been well highlighted by legal scholars⁹, 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 of social formations that should ensure their fulfillment.

The disparities¹⁰, of various natures and origins¹¹, observed in the Italian territorial context are one of the main causes of the country's lack of development¹² and,

⁹ According to M.C. CAVALLARO, *Divario territoriale, coesione sociale e tutela dei diritti: il ruolo delle regioni in tempo di crisi*, in *PA Persona e Amministrazione*, 2021, 9, 2, p. 80, the “territorial gap” becomes synonymous with “structural inequality”, which results in a different guarantee of fundamental rights.

¹⁰ According to S. CASSESE, *Dallo sviluppo alla coesione. Storia e disciplina vigente dell'intervento pubblico per le aree insufficientemente*, in *Riv. Trim. di Dir. Pubblico*, 2018, 2, 598, 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.

¹¹ See the Italian National Statistical Institute - ISTAT Report of January 25, 2023, on “*Territorial Disparities in the PNRR: Ten Objectives for the South of Italy*” that examined 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.

¹² In the mentioned ISTAT report dated January 25, 2023, on “*Territorial Disparities in the PNRR: Ten Objectives for the South of Italy*”, 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.

therefore, are given primary consideration by the legislator in the formulation of development policies to promote the sustainable growth of the territories¹³.

This is evident, first and foremost, in the approach that the Italian legislator has established for 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 PNRR 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.

In other words, *territorial development* and, consequently, the increase in the attractiveness of a territory are promoted through interventions and policies aimed at counteracting social and territorial disparities.

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

The recent Italian legislative trends in the field of sports allow us to affirm that sports policies may also be considered as policies to counteract social and territorial disparities and so they contribute to territorial development and represent 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

¹³ About economic development and territorial inequalities, A. ROMEO, *Sviluppo economico e disuguaglianze territoriali: il divario nord-sud nell'Italia del nuovo millennio*, in *Dir. Amm.*, 2020, 4, p. 807 e ss. Warns, in the introduction of the paper, that examining the theme of economic development in Italy means addressing the issue of regional disparities which, articulating on a plurality of aspects, takes on different features depending on the different time frame, context, and diverse perception in which, over the years, it has developed.

Fund”, established in 2015 and consistently financed over the years, most recently in 2023 with 75 million euros. The Department of Sports pursues the following objectives in relation to this fund: 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 for 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 (dedicated to “Inclusion and Cohesion” – Component 2 (dedicated to “Social Infrastructure, Families, Communities, and the Third Sector”).

In particular, Investment 3.1, named “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 individuals¹⁴.

¹⁴ Based on the programming of the Department for Sport, the three lines of intervention to be implemented with the allocated resources are as follows:

1. **Regeneration of Sports Facilities:**

Objective: Achieve this through the redevelopment and energy efficiency improvement of existing facilities.

2. **Construction of New Sports Facilities:**

Priority: Qualified as a priority intervention.

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 facilities¹⁵.

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.

Description: Involves the construction of new facilities in line with the goals of green transition, climate change mitigation, and digital transformation.

These lines of intervention are implemented through the following clusters:

- **Cluster 1: Urban Area Recovery Interventions**

Implementing Entities: Regional Capitals, Provincial Capitals with a resident population of over 20,000, and Municipalities with a resident population of over 50,000.

Description: Involves the creation of new sports facilities, sports citadels, and indoor multipurpose facilities.

Budget: €369,457,263.77

- **Cluster 2: Improvement of Existing Structures**

Implementing Entities: Regional Capitals, Provincial Capitals with a resident population of over 20,000, and Municipalities with a resident population of over 50,000.

Description: Involves the improvement of existing structures.

Budget: €110,719,189.09

- **Cluster 3: Construction of New Facilities or Regeneration of Existing Facilities of Interest to Sports Federations**

Implementing Entities: Federations sports organizations.

Description: Involves the construction of new facilities or regeneration of existing facilities relevant to sports federations.

Budget: €175,112,422.13

3. **Creation of Parks and Equipped Outdoor Paths:**

Objective: Implementation of parks and equipped outdoor paths with new technologies to promote free sports practice.

Target Area: 2,000 Municipalities with a population of up to 10,000 inhabitants, located in the Southern Regions and lacking public playgrounds.

Budget: €43,605,000.00

¹⁵ See A. GIUSTI, *La rigenerazione urbana come strategia di ripresa e resilienza*, in *Munus*, 2021, 2, pp. 330-331; *ID.*, *La rigenerazione urbana tra consolidamento dei paradigmi e nuove contingenze*, in *Dir. Amm.*, 2021, 2, p. 440; L. BELLICINI, *Rigenerazione urbana sostenibile (voce)*, in *Enc. It. Treccani*, IX appendix, 2015.

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 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 NRPP, it is noteworthy to mention the recent legislative intervention regarding the reorganization of the regulations on sports facilities introduced by the Italian legislator with Legislative Decree No. 38 of February 28, 2021¹⁶. This decree established provisions related to the construction, renovation, management and safety of sports facilities, including those in schools¹⁷.

Although this legislation primarily focuses on the procedural aspects of the interventions related to sports facilities, it seems however possible to observe, from a general perspective, that the decree favors a sustainable territorial development approach. 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 intervention¹⁸.

¹⁶ Legislative Decree No. 38, February 28, 2021 (published in the Official Gazette on March 19, 2021) - Implementation of Article 7 of Law No. 86, August 8, 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.

¹⁷ For a comment, see M. SALZANO, *Profili di governo del territorio, servizi e impianti sportivi*, in G. TERRACCIANO, P. SANDULLI, C. ROMBOLÀ (eds.), *Argomenti di diritto nazionale e internazionale dello sport e di giustizia sportiva*, Roma, 2022, p. 203 e ss.

¹⁸ See art. 4 of leg. Decree n. 38/2021.

Moreover, from a systemic perspective¹⁹, 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 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 services²⁰.

In conclusion, from the analysis of the mentioned legislative interventions, 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.

This legislative trend aligns 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*²¹. 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 a tool for inclusion for individuals and groups facing various forms of disadvantage or

¹⁹ For a systemic view of sports, G. DEL GAUDIO, V. DELLA CORTE, A. FORMISANO e R. VONA, *Sport e valorizzazione del territorio*, Padova, 2023, p. 23, where the state that sports entities should be conceived not as islands in the desert but as part of an ecosystem that includes 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.).

²⁰ G. DEL GAUDIO, V. DELLA CORTE, A. FORMISANO e R. VONA, *Sport e valorizzazione del territorio*, Padova, 2023, p. 34.

²¹ Art. 33, par. 7, Italian Constitution. See, T. E. FROSINI, *La dimensione costituzionale dello sport*, in *Federalismi.it*, 22 febbraio 2022; M. DI MASI, *Dall'etica alla costituzionalizzazione dello sport. Brevi note sulla riforma dell'articolo 33 della Costituzione*, in *Federalismi.it*, 6 settembre 2023, p. 124 e ss.

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

As a final remark, it is evident 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.