SEMINARIO GIURIDICO
DELLA UNIVERSITÀ DI BOLOGNA
CCCXLIII

SUSTAINABLE DEVELOPMENT AS FUNDAMENTAL PILLAR OF ECONOMIC GOVERNANCE AND PUBLIC AFFAIRS

The EU Approach and International and Domestic Perspectives

Edited by
ELISA BARONCINI, FEDERICO CASOLARI
PIETRO MANZINI, ATTILA MASSIMILIANO TANZI
GRETA TELLARINI

with the collaboration of ALESSANDRA QUARTA

Bologna
University Press

RENEWABLE ENERGY COMMUNITIES: A TOOL OF THE ENHANCEMENT OF THE TERRITORY, BUSINESSES AND CITIZENS

Emanuela Rassu

1. *Introduction*

The urgency to achieve decarbonization has never been more pronounced, especially as the world grapples with the far-reaching impacts of climate change. In this pressing context, European member states have undertaken ambitious commitments to reduce greenhouse gas emissions, aiming for climate neutrality and sustainable energy practices by 2050.

The quest for cleaner energy aligns with the European Union's resolute commitments outlined in initiatives like the Green Deal. These commitments not only seek to reduce emissions but also underscore the importance of decentralized, community-driven solutions for energy production and consumption.

This chapter delves into the critical role that Renewable Energy Communities (RECs) play in this larger narrative. As legal doctrines increasingly scrutinize new and sustainable urban governance models and their relation with traditional territorial entities[1], RECs emerge as dynamic entities that can redefine the dynamics between citizens, businesses, and municipalities. Their significance lies not

[1] G. Pavani, S. Profeti, C. Tubertini, *Le città collaborative ed eco-sostenibili. Strumenti per un percorso multidisciplinare*, Bologna, Il Mulino, p. 13.

only in contributing to the broader European goals for decarbonization but also in fostering an environment where communities of people actively participate and benefit from sustainable energy practices.

In particular, as a tool for facing energy poverties, they encourage the creation of an ecosystem of socio-economic welfare, also thanks to the auxilium of remarkable incentivisation policies[2], where the specific involvement of public bodies represents a turning point that sees the transition of local authorities from mere "service providers" to active players in the production and consumption of clean energy, capable of integrating these activities among the functions of general public interests.

While RECs offer promising avenues for sustainability, the paper does not shy away from addressing the challenges embedded in the Italian regulatory landscape. It navigates through constitutional considerations, the balancing act of multilevel governance, and administrative intricacies, shedding light on the hurdles that must be overcome to fully realize the potential of RECs in Italy.

In essence, this chapter seeks to unravel the intricacies of achieving decarbonization through the lens of RECs, emphasizing their role in aligning with sustainability goals while navigating the legal, social, and economic challenges unique to the Italian context. By doing so, it aspires to contribute to a comprehensive understanding of the transformative power of Renewable Energy Communities in the pursuit of a cleaner, more sustainable future.

Furthermore, the aim is to analyse how Renewable Energy Communities improve the development of territories through the creation of an urban ecosystem of clean energy production in which

[2] Considering the Italian case, the implementing decree 199/21 focuses on two measures: an incentive tariff on renewable energy produced and shared and a non-repayable grant. Beneficiaries are small projects, with a capacity of up to 1 MW, and can access the programme on a first-come, first-served basis. The scheme provides an incentive tariff on the amount of electricity consumed by end customers and renewable energy communities paid over a 20-year period. This measure, with a total budget of EUR 3.5 billion, will be financed through a levy on the electricity bill of all consumers. The official decree is still waiting to be published in the gazette, however the text approved by the European Commission is already available.

companies, people and public entities can have environmental, social and economic sustainability.

2. *Energy supply and efficiency: definitions and regulations*

Energy supply and efficiency have an important place in the public policy agenda of States, especially for those most developed that must improve the research to "ensure access to affordable, reliable, sustainable and modern energy for all"[3], more than ever in the context of the crisis caused by the conflict between Russia and Ukraine; energy sovereignty and the need to meet the energy needs of individual European countries have led to the need – given Europe's heavy dependence on Russian gas – to invest more in renewables according to a logic of proximity, of subsidiarity starting with the citizens, who are seen as the new interpreters of energy policy.

Then, the significance of energy efficiency is also linked to commercial, industrial competitiveness and energy security benefits, as well as increasingly to environmental benefits such as reducing CO_2 emissions.

In the European context, energy supply has been one of the issues at the centre of European Union policies since the very beginning[4].

With the Green Deal, the European Union is among the first international organisations to make a concrete commitment to energy production from renewable sources, whose main objectives for 2030 are to reduce greenhouse gas emissions by 55% compared to 1990s levels and to achieve climate neutrality by 2050. It represents in terms of broadness of initiatives and involved resources the biggest and best ambitious European Union intervention to pursue the

[3] UN Sustainable Development Goal no. 7.

[4] Starting with principle of "solidarity between Member States" in the adoption of "measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products, notably in the area of energy" of article 122, and article 194 of the Treaty of Functioning of the European Union that declares that "Union policy on energy shall aim, in a spirit of solidarity between Member States, to: (a)ensure the functioning of the energy market; (b)ensure security of energy supply in the Union".

environmental and climate objectives. The de-carbonization of the energetic system is considered fundamental to pursue the climate goals[5].

Finally, the Repower EU has, as a specific objective, the pursuit of energy independence through the integration of special chapters in the National Recovery Plans in response to the energy crisis.

Indeed, the order to contribute to the realisation of European programmatic commitments, Italy has drawn up the Integrated National Energy and Climate Plan for the years 2021-2030, which provides for instruments and actions of a heterogeneous nature. The policies put in place at both the European and national levels rekindled debates that had their origins in the early 1990s, in which it became imperative to rethink how the means adopted had worked so far, and possibly to study new ones.

However, while there are many actions taken towards greater energy sustainability, there is agreement in the doctrine that there is no clear and precise legal definition of what is meant by energy supply and energy efficiency[6], let alone whether these terms are enriched with the adjective "sustainable".

As for the concept of "environment"[7], the legal definition of energy ends up constituting a set of specific and technical elements that are difficult to translate into generical and abstract rules. The uncertainty of the legal definition of energy reflects the variability of

---

[5] P. Brandino, *Introduzione*, in E. Bruti Libertati M. De Focantis, A. Travi (a cura di), *L'attuazione dell'European Green Deal – I mercati dell'energia e il ruolo delle istituzioni e delle imprese*, pp. XVII ff.

[6] About the inhomogeneity and asymmetry of the energy efficiency regulation, see P. Bilancia (a cura di), *La regolazione dei mercati di settore tra autorità indipendenti nazionali e organismi europei*, Milano, Giuffrè, 2012, pp. 1-274, cited by R. Miccú, M. Bernardi, *Premesse ad uno studio sulle* Energy communities: *tra governance dell'efficienza energetica e sussidiarietà orizzontale*, in *Federalismi*, 2022, 4, p. 604.

[7] E.g., in Italy the elaboration of the concept of environment is to be ascribed to the Constitutional Court in the first place, which, however, has increasingly outlined the unity and primacy of the environment as a constitutional value, the precise definition of which has ended up being in most cases a wrapping-up of various notions or branches of environmental protection, from protection against pollution, to waste management, to the right to an healthy environment. For deeper comprehension, see Italian Constitutional Court, judgements. no. 151/86, 152/86, 210/87, 641/87, 800/88, 1031/88, 324/89, 437/91.

the approaches of the various sciences and the plurality of solutions of the various theories within them; the strong ideological and political emotionalism prevalent around the concept of energy (and of clean or sustainable or renewable energy); the development in practice of groups and structures carrying differentiated, often contradictory and conflicting interests.

That as always underscores the issue of elaborating a comprehensive and unitary legal framework, increasing the fragmentation of regulation in a context where energy governance is physiologically multi-level.

When it comes to the concept of sustainability or sustainable development, the concept of energy production has to be understood under the purposes of the Brundtland Commission Report, which means that it has to "[meet] the needs of the present without compromising the ability of future generations to meet their own needs".

Then, the adjective "sustainable" associated with energy indicates a role in guiding the actions and policies to be adopted, which lend themselves well to being declined according to ESG[8] sustainability criteria, where the "Environmental" component responds to the environmental impact of the plants, the "Social" element is constituted by the inclusion of resources and people in the territory in which production is rooted. At the same time, the "Governance" part includes the processes that regulate the same production and distribution. So, "When we talk about sustainable energy, we are referring to renewable sources[9] and the value they assume in terms of less impact on the environment, involvement

[8] An acronym coined in 2004 by James Gifford, head of sustainable&impact advisory at Credit Suisse, it is used in the economic/financial field to indicate risks/opportunities linked to environmental, social and governance factors; For a deeper understanding of the origins and implications of the acronym, see E. Pollman, *The making and Meaning of ESG*, European Corporate Governance Institute - Law Working Paper No. 659, 2022, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4219857.

[9] R. Santi, *Energia e ambiente*, in B. Caravita, L. Cassetti, A. Morrone (a cura di), *Diritto dell'ambiente*, Bologna, 2016, p. 243, explain that "Renewable energies are understood to be those forms of energy that by their intrinsic characteristic regenerate at least as fast as they are consumed or are not 'exhaustible' on the human time scale".

of local resources, less dependence on foreign sources and market accessibility"[10].

The Renewable Energy Communities were regulated for the first time in 2018 with the RED II 2018/2001/EU directive intending to promote the creation of autonomous legal entities that allow public, private and small-medium enterprises to associate to produce, share, and consume energy from renewable sources while bringing environmental, social and economic benefits. The particularity of this configuration is the possibility of managing autonomously not only electricity but also heat and gas, provided they are produced from renewable sources.

Furthermore, Renewable Energy Communities have the opportunity to carry out ancillary activities to the sole production of energy from renewable sources, among which the most current concerns the installation of charging stations for electric mobility. This means creating an ecosystem through which to promote a considerable variety of sustainability actions that can lead to improved sustainable development goals such as responsible consumption and production, the creation of "sustainable cities and communities" and "build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation".

3. *The role of consumers in the energetic transition*

The ecological restructuring of the economy requires a change in consumption production patterns, i.e. the production of environmentally responsible trade and environmentally conscious consumption[11].

Being able to say that energy efficiency links the achievement of economic goals to the pursuit of both environmental and social goals, it has been pointed out that to reduce the information asym-

[10] S. Maglia, *Diritto Ambientale, alla luce del T.U ambientale e delle novità 2011*, Assago, Ipsoa, 2011, p. 267.

[11] V. Pepe, *Le "comunità energetiche" come nuovi modelli giuridici di sviluppo sostenibile. Prime note sull'esperienza francese*, in *Ambientediritto.it*, 2022, 3, p. 4.

metries affecting the energy efficiency market on the demand side, attention must be shifted from the instruments to the players. In this sense, it should be noted that thanks to technological progress and greater awareness of good energy-saving practices, the consumer seems to be more aware and attentive, so that, by reducing the space of information asymmetry, he has gained an extraordinary centrality in demand management[12]. The adoption of virtuous and energy-efficient behaviour is not only a social value but has also an economic function because of the freedom of choice of consumers. The consumer is offered not only more information but also more tools to aggregate his or her energy supply and demand, thus promoting horizontal relations in which information asymmetries are reduced and the consumer's capability and empowerment are strengthened through the functionalisation of their actions[13].

With the figure of the prosumer[14], the distinction between producer and consumer becomes blurred, and the proactive role of the consumer – to be promoted in a logic of horizontal subsidiarity – is strongly confirmed. Furthermore, taking into account the regulation of the incentives disbursement, strictly related to the activity of sharing energy between the members of the REC, makes the presence of mere consumers fundamental in the configuration of the REC, which will have to be organised in such a way that whenever there is excess production of energy concerning the needs of prosumers, there is at the same time a consumer using that energy. This also means it is not so easy to create speculative activities around RECs, but also that in this sense the consumer has the responsibility to be an active part of the process, from which arises the advantage of contributing significantly to decision-making processes,

---

[12] R. Miccú, M. Bernardi, *Premesse ad uno studio sulle* Energy communities: *tra governance dell'efficienza energetica e sussidiarietà orizzontale*, in *Federalismi*, 2022, 4, p. 613.

[13] T. Perillo, *Il ruolo del cittadino europeo nell'era del Green Deal*, in A. Buonfrate, A. Uricchio (a cura di), *Trattato breve del diritto dello sviluppo sostenibile*, pp. 417 ff.

[14] The first definition of "prosumer" was that of "subject who is at the same time productor and final client of electric energy": All. A delibera ARERA 18/05/2012, 188/2012/E/com, as amended and supplemented by resolution 20/02/2014, 59/2014/E/com and resolution no. 11/12/2014, 605/2014/E/com.

from the management of plants intended for the energy community to the management of the incentives. This model plays a significant role in the energy transition path, re-proposing an idea of decentralised production that minimises energy dispersion and simultaneously makes members of the community protagonists, with particular attention to the role of consumers.

4. *Renewable Energy Communities and ESG activities*

Energy supply and efficiency are not relevant only in terms of Climate Change actions, and ecological and energetic transition, but also as regards the achievement of well-rounded sustainability.

Companies, to remain competitive in the market, adopt strategies and policies to increase their sustainability indexes according to ESG criteria[15], where, among other things, a lower percentage of companies adopt solutions aimed at energy efficiency and the reduction of electricity consumption, even lower if one considers those that use renewable energy sources to reduce their consumption[16].

Renewable Energy Communities help to meet these needs, expressing the idea of "sustainable energy" that was mentioned in the previous pages, an example of an "Environmental constitutional State 'in Actions'"[17] that gives benefits as: a) bill savings: the more energy is self-consumed directly, the more the costs of the variable components of the bill (energy share, grid charges and related taxes) are reduced; b) gain on energy produced: producing energy with a photovoltaic system can be a source of income thanks to incentive mechanisms, that are territorially differentiated[18]; c) tax benefits

[15] M. Fortis, *Le imprese energetiche e la sostenibilità*, in E.B. Liberati, M. De Focantis, A. Travi (a cura di), *L'attuazione dell'European Green Deal. I mercati dell'energia e il ruolo delle istituzioni e delle imprese*, Associazione Italiana di Diritto dell'Energia - Annual Conference, Milan, 10 February 2022, p. 33.

[16] ISTAT, *Pratiche sostenibili nelle imprese nel 2022 e nel 2023-2025*.

[17] V. Pepe, *Le "comunità energetiche" come nuovi modelli giuridici di sviluppo sostenibile. Prime note sull'esperienza francese*, in *Ambientediritto.it*, 2022, 3, p. 16.

[18] North: 0,119 euro/Kwh shared; Centre: 0,115 euro/Kwh shared; South: 0,110 euro/Kwh shared.

(deductions or super depreciation): recovery of 50% of the realisation costs for private individuals who install a photovoltaic system on the roof of a building. For companies, there is a super depreciation of 130% of the investment value.

In Italy, the Renewable Energy Communities attract the attention of multiple market players, including large companies, which aim to increase their ESG rating through them, also to comply with the forthcoming regulations implementing the European directives on Corporate Social Responsibility and European Sustainability Reporting Standards.

5. *Challenges and perspectives in the Italian regulation*

Having clarified the opportunities in terms of sustainable development that renewable energy communities can offer, it is necessary to look at the aspects of their development on Italian territory, focusing here on the legal issues that may favour or hinder their establishment.

In the context of energy production from renewable sources, the first profile of law that is involved is the constitutional one, which is expressed in the relationship between relevant values such as environmental protection and landscape protection. The introduction in the third paragraph of Article 9 of the Constitution of the protection of the environment jointly with that of the landscape, as well as the inclusion of "environmental value" as a criterion for the orientation of private economic initiative, in Article 41, could lead to a new approach in the assessment of the balance of guaranteed values. This is because, although renewable energy sources represent an opportunity to reduce CO_2 emissions into the atmosphere and contribute to European clean energy production targets, at the same time, to guarantee a satisfactory production capacity, the plants need space, with the consequent and still unavoidable impact on the landscape.

The location of renewable energy sources plants in the middle of the environment-landscape dichotomy is not new to the legal de-

bate[19], indeed the conflicting relationship between the two values has often been manifested in the issue of granting authorisations for the construction of energy production plants from renewable sources; however, the greater need for energy independence and consequent supply, due above all to the current geopolitical context, could lead to a rethinking of the role of renewable energy in the protection of the artistic and cultural heritage, in a certain sense envisaging a recessive role of the latter.

A second knot under the constitutional profile can be found under the aspect of multilevel governance between State and Regions, where the location and construction of production plants are once again placed at the crossroads between State legislative powers on the environment and energy[20] and the concurrent regional competence envisaged in the energy field.

Ever since the amendment of the fifth Title of the Constitution, which provided for the indication among the matters of concurrent competence of "the activity of production, transport and national distribution of energy", the Constitutional Court has played the role of substitute Legislator in resolving conflicts of attribution between State and Regions[21].

In this sense, constitutional jurisprudence has shown an orientation inclined to censure those regional initiatives that introduce absolute or generalised bans capable of preventing any installation based on a generic presumption of landscape protection.

---

[19] L. Ferraro, *Costituzione, tutela del paesaggio e fonti di energia rinnovabili*, in L. Chieffi, F. Pinto (a cura di), *Governo dell'energia dopo Fukushima*, Editoriale Scientifica, 2013, 3, pp. 209-235; C. Battiato, *Regioni ed energie rinnovabili: ancora una volta la scure della Corte costituzionale si abbatte su norme regionali relative alla localizzazione di impianti di energia da fonti rinnovabili*, in *Consulta online*, 2014; C. Pellegrino, *Ambiente ed Energia: la Corte costituzionale conferma i suoi orientamenti e il suo ruolo di supplenza ermeneutica*, in *Le Regioni*, 2019, 3, pp. 843 ff.; A. Colavecchio, *Il "punto" sulla giurisprudenza costituzionale in tema di impianti da fonti rinnovabili (nota a Corte Cost., 22 dicembre 2010, n. 366)*, in *Rivista quadrimestrale di diritto dell'ambiente*, 2011, 1, pp. 100 ff.

[20] G. Vivoli, *Transizione energetica e fonti rinnovabili: vecchi contenziosi, nuovo quadro normativo, riforma costituzionale e attuale scenario ambientale e geopolitico*, in *Camminodiritto.it*, 2022, 8, https://rivista.camminodiritto.it/public/pdfarticoli/8696_8-2022.pdf.

[21] Italian Constitutional Court, judgements no. 166/2008, 282/2008, 119/2010, 124/2010, 85/2012, 224/2012, 119/2014.

From this orientation, one can deduce the particular favour given to renewable sources, expressive of a public interest that aims not only to safeguard environmental interests but also landscape values[22].

And yet, by the requirements placed on the table in the National Recovery Plan, a significant turning point can already be seen in the way the national legislator interprets its role (and that of the Regions) on the subject of renewable energy sources (RES): this is the case of the recently updated Guidelines[23] for the authorisation of plants from renewable sources, following which the establishment of homogeneous principles and criteria for the identification of surfaces and areas suitable and not suitable for the installation of RES plants is referred to the competent ministries.

The notable change of step consists in the positive definition of areas suitable for the establishment of plants, subverting the paradigm – before the update – according to which there was a presumption of unsuitability by generalised protection of the landscape. On the wave of this innovation, and in light of the expected results in terms of energy production from renewable sources, a survey of the production capacity to be achieved respectively for each regional territory could be envisaged at the state planning level, with the possible consequence that the Regions – when integrating the ministerial decrees for the identification of areas – could no longer focus on the protection of the landscape, but rather on the need to meet energy requirements. A symptom of this possible perspective is the fear of the national legislator of regional protectionism, recognisable in the clarification that the non-inclusion of an area among those suitable is not a sufficient element to consider it unsuitable for planning purposes[24].

---

[22] G.D. Comporti, *Energia, ambiente e sviluppo sostenibile*, in *Rivista Giuridica dell'Ambiente*, 2022, 3, p. 708.

[23] The so-called *Testo Integrato dell'Autoconsumo Diffuso* (TIAD), implementing the legislative decrees no. 199/21 and 210/21 in the field of renewable energy communities, citizen energy communities, groups of self-consumers of renewable energy acting collectively, groups of active customers acting collectively, individual self-consumers of renewable energy "at a distance" with a direct line, individual self-consumers of renewable energy.

[24] G. Vivoli, *Transizione energetica e fonti rinnovabili: vecchi contenziosi, nuovo quadro normativo, riforma costituzionale e attuale scenario ambientale e geopolitico*, in *Camminodiritto.it*, 2022, 8.

A further profile of law in close connection with the one outlined above is the administrative one, especially concerning the simplification procedures of the authorisation regimes: like other reform actions of the National-Recovery-Plans season[25], to ensure the increase in the share of energy produced from renewable sources, simplification is the first element that is taken into account.

Through it, the vision of the role of the public administration changes, from being a regulating authority to a performance body[26]; a particularly significant example can be seen in the introduction of the "result principle" in the new Italian code of public contracts[27]. The issue of simplifications brings with it the question of balancing interests, because if on the one hand, there is the risk of sacrificing a balance between the principles at stake in virtue of the swift realisation of the set objectives[28], on the other hand, the inertia of a "defensive administration" jeopardises the investments made available for the relaunch of the territories.

The focus, therefore, lies in the identification of the borderline beyond which one is, indeed, in the presence of an arbitrary and unreasonable sacrifice of constitutionally relevant interests.

6. *Public participation, horizontal subsidiarity and shared administration*

Finally, one prospect for development at the level of Italian legislation could be seen in the way local authorities participate in these entities, especially as prosumers. The opportunity was mentioned in

[25] F.S. Marini, *Il Piano Nazionale di Ripresa e Resilienza, fra semplificazione normativa e amministrativa*, in D. De Lungo, F.S. Marini (a cura di), *Scritti costituzionali sul Piano Nazionale di Ripresa e Resilienza*, pp. 195 ff.

[26] *Ibidem*.

[27] Article 1, Legislative Decree no. 36/2023.

[28] Taking into account the Guidelines mentioned before about the installation of RES plants, always G.D. Comporti, *Energia, ambiente e sviluppo sostenibile*, emphasises that "from the premise that the high level of administrative decentralisation must not be a constraint on efficiency or an element of undesirable inhomogeneity, but rather become a resource for the benefit of operators and an element of greater closeness of the assessment to the characteristics of the territory".

the Covenant of Mayors and in particular in the Sustainable Energy Action Plan, within the four areas in which regional and local governments can implement appropriate energy efficiency measures as well as renewable energy projects[29].

Given the natural propensity of local authorities, and in particular of the municipality, to intercept new needs or new legal instruments or innovative solutions, they represent the most suitable place for the implementation of energy efficiency policies, therefore their participation can contribute to promoting general public interests in the activity of the Renewable Energy Communities to generate environmental, social and economic benefits for the collectivity, bearing in mind that the participation of authorities must be subject to the rules laid down in the Legislative Decree no. 175/2016[30]. Public shareholding must satisfy the constraint of inherent public interest prescribed by Article 4 of the mentioned law, according to which shareholdings cannot be acquired in companies "whose object is the production of goods and services that are not strictly necessary for the pursuit of their institutional purposes".

A further obstacle in this regard is the advice of the Court of Auditors, which is called upon to express an opinion on the conformity of the deliberative acts of the participation under the Legislative Decree 175/2016; in this regard, it is already possible to mention the different advice of territorial sections of the Court, where in some case of an adverse opinion was issued recognising a public interest in energy production that can be ascribed to the legislation such that the establishment of a company or the mere participation is justifiable[31], while another had stated positive advice because the constitution of a company ensure the correct participation of the administration while pursuing the institutional purposes related to the activities of the Renewable Energy Community[32].

---

[29] E. Ferrero, *Le smart cities nell'ordinamento giuridico*, in *Foro amministrativo*, 2015, 4, pp. 1278 ff.

[30] F. Cusano, *L'efficienza energetica nel quadro della transizione ecologica*, in *Rivista quadrimestrale di diritto dell'ambiente*, 2022, 2, p. 175.

[31] Corte dei Conti, Sez. Toscana, deliberation no. 77/2023/PASP.

[32] Corte dei Conti, Sez. Friuli Venezia Giulia, deliberation no. 52/2023/PASP.

A new perspective in the energy field related to public participation could be seen in the so-called "shared administration", a set of tools already adopted in multiple cases when taking into consideration the eco-cities[33]. These tools differentiate both from the classical "command and control" approach of public administration to managing public interests and the typical forms of externalisations and public-private partnerships because they start from the assumption of the voluntary initiative of private citizens[34], which fits perfectly with the requirements for incorporation and participation in RECs.

[33] G. Pavani, S. Profeti, C. Tubertini, *Le città collaborative ed eco-sostenibili. Strumenti per un percorso multidisciplinare*, Bologna, Il Mulino, pp. 65 ff.

[34] *Ibid.*, it is explained that the shared administration represent a "fourth model of the administrative activity" after the authoritative one, the consensual activity and the private law activity, citing as an example the definition given by the jurisprudence of the Italian Civil Court of Cassation (Cass. Civile, Sez. I. sent. 15595/2014): "the spontaneous initiative of citizens, families, associations and communities in the performance of activities of a typical nature and referable exclusively to those subjects, in which the local authority has no right to intervene, and to which it can contribute in various ways, including through the provision of subsidies, on the basis of an assessment of the need for the service or activity to be able to continue for the benefit of the relevant community […] has nothing in common with the provision of services of general interest which may be provided in the form of an undertaking, and is therefore unrelated to the direct or indirect procurement of those services by public bodies".