THE IMPACT OF EUROPEANIZATION ON NATIONAL PLANNING SYSTEMS. A COMPARISON OF SPATIAL PLANNING PROCESSES IN ITALY AND ROMANIA

1. Introduction

Broadly speaking, Europeanization refers to the processes of integrating EU policies and socio-economic dynamics into the domestic discourse and national policies, thus leading to systemic convergence in different sectors across the EU Member States (Demetropoulos, 2002). Hence, Europeanization comprises processes of construction, diffusion and institutionalization of different rules or procedures, which are transferred from the EU public policy to be integrated in the domestic discourse (Radaelli, 2003). However, this is not a one-way transfer, with EU Member States being both contributors and products of European integration (Papadimitriou, Phinnemore, 2004).

As far as national planning systems are concerned, the EU’s influence has been significant in their evolution, in relation to other factors such as the internationalization of planning education and practice or the strengthening of lower levels of government (Servillo, Lingua, 2014). Nevertheless, some authors consider the notion of Europeanization of spatial planning to be exaggerated (Reimer et al., 2014), especially considering the various legal and administrative, policy and governance-related, cultural and social aspects that determine the diversity of spatial planning systems in Europe (Stead, Cotella, 2011, Stead et al., 2015). Hence, these observed differences between nations become the main reasons discussed when assessing the lack of convergence of European planning systems (Stead et al., 2015).

Instead, one can consider that convergence is not the necessary result of such kind of development. In agreement with Knill and Lehmkühl (1999), three processes of change can be described as Europeanization dynamics:
- Prescription: Domestic change by institutional requirements where an institutional model must be adopted.
- Strategic interaction: Domestic change by alteration of domestic opportunity structures (i.e. the distribution of power and resources between domestic actors) with no mandatory institutional model.
- Cognitive influence: domestic change by alteration of the beliefs and expectations influencing strategies and preferences which, in turn, lead to institutional change.

Within each spatial planning system (despite the current planning tradition), all of these three factors contribute in changing and adapting the actual operation and behaviour.

Moreover, focusing on the general structure of the European discourse – conceived as an “uploading and downloading process but also horizontal cross-fertilisation between European territories” – spatial planning appears to play a fundamental role (Elissalde et al., 2014; Faludi, 2009; 2010; 2014; 2015; 2016).

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3 Although in the unity of purpose, paragraph 3.1, can be attributed to Radu-Matei Cochechi, paragraph 3.2 to Angela D’Orazio, while the remaining parts are result of shared work.
Farinós Dasi, 2006).

While the European Union does not have competences in the field of spatial planning, some strategic spatial concepts or European meta-narratives like the European Spatial Development Perspective (ESDP) and the Territorial Agenda of the European Union (TAEU) have influenced national planning systems, despite their non-binding character (Reimer et al., 2014). These changes, visible especially in south European spatial planning systems, are the result of domestic actors experiencing new ideas and practices leading to cultural innovation models (Giannakourou, 2005). Consequently, the planning discourse has been modelled, in the case of various Member States, according to the principles drawn out in the ESDP, but also through the INTERREG (Plurel, 2010) and ESPON initiatives (Dühr et al., 2007), often determining the diffusion of new instruments and the shift from land-use planning to a spatial planning approach (Giannakourou, 2012).

The process of Europeanization also tends to be more and more related to funding conditions for lower-level public authorities, with strategies at regional and local level becoming a prerequisite for EU financing (Albrechts et al., 2003). Europeanization can thus be regarded as a process of top-down and bottom-up European integration (Reimer et al., 2014), or better as an iterative cycle of uploading and downloading influences that links the EU level territorial governance with domestic territorial governance and spatial planning system (ESPON, 2013a).

In this context, two main mechanisms of Europeanization of national planning systems can be identified: a soft mechanism, characterized by networking, policy transfer and learning, and a hard mechanism, determined by the obligation to comply to EU regulations (Giannakourou, 2012). The latter mechanism thus comprises legally-binding tools such as the European Water Framework Directive and the Habitats Directive, exerting a direct influence on spatial development, albeit in a strictly sectoral-oriented logic (Reimer et al., 2014). This mechanism is clearly showed by Evers and Tenneke for the Netherlands case (Evers, Tenneke, 2016).

As far as the soft mechanism is concerned, this is mostly based on the exchange of ideas, principles and concepts between the EU and national/regional institutions through transnational cooperation programmes (Dühr et al., 2007; ESPON, 2013b).

The extent of the influence of the Europeanization process on different national planning systems is related to factors such as planning culture, national institutional settings related to planning or socio-economic settings (Giannakourou, 2012). Its effects, on the other hand, are visible especially in relation to the participation in territorial cooperation programs, a more strategic approach towards regional planning or the emergence of new governance paradigms (Cotella, Rivolin, 2011).

Taking into consideration the different facets of the Europeanization process discussed above, the aim of the article is to explore the impact of this process on the national planning systems in Italy and Romania, with methodological aspects described in the following chapter. The two planning systems share some common features, with comparative analyses between the two realized before, in relation to the inclusion of environmental aspects in the planning law and practice (Coheci, 2016) or even to the impact of EU funds (Elisei, Pascariu, 2012). While Europeanization aspects have been studied separately both for Italy (Cotella, Rivolin, 2011) and Romania (Dobre, 2010; Munteanu, Servillo, 2014), we considered that a comparison of the impacts of Europeanization processes on the two national planning systems is useful in order to identify similar trends and possible legislative responses to the common challenges faced.

\footnote{Reflective observations on ESPON power in building European approach to spatial planning can be found in Transnational Networking Activities developed under ESPON 2013 programme (https://www.espon.eu/main/Menu_Projects/Menu_ESPON2013Projects/Menu_TransnationalNetworkingActivities/).}
2. Methodology

The comparative analysis of the Italian and Romanian planning systems was realized on the basis of four criteria:

(1) the general characteristics of the planning systems;
(2) the evolution of the planning instruments in the last decades;
(3) the integration of sectoral EU policies in the planning processes, determined by the hard Europeanization mechanism (Giannakourou, 2012);
(4) the relation of the planning systems with EU planning concepts and discourse, including references to territorial cohesion aspects.

The analysis was based on an extensive literature review, but also on the provisions of the national and regional legislation. Current spatial planning practices in the two countries, emerging as trends in recent years, were also an important factor taken into consideration.

3. Results and discussions

3.1. Romania

As far as general characteristics are concerned, Romania’s spatial planning system is based on a system of plans closely connected to the country’s administrative structure, which consists of two main layers: the county level (NUTS 3) and the local level – LAU 2 (Benedek, 2013). Hence, the planning system is based on two main components, which are defined in the national law (Law no. 350/2001 on urban and territorial planning). Urban planning is realized at local level, has a normative land-use approach and is part of the urbanism tradition, having a strong architectural and urban design focus (CEC, 1997). There are three categories of urban plans: General Urban Plan (PUG – defining building regulations for the buildable area of an entire LAU 2 unit’s territory), Zonal Urban Plan (PUZ – detailing building regulations for an area within a LAU 2 unit) and Detailed Urban Plan (PUD – defining the positioning of buildings within a single plot of land). While General Urban Plans can be initiated only by the local public authorities, Zonal and Detailed Urban Plans can also be initiated by private investors, who can thus override the regulations of the General Urban Plan (Cochechi, 2016).

On the other hand, territorial plans comprise multiple LAU 2 units, can only be initiated by public authorities and have a strategic and guiding character – their provisions are thus indicative and need to be taken only partly into account by lower level authorities (Benedek, 2013). Three types of territorial plans are defined in the Romanian law: the national territorial plan (PATN – structured in sections defining sectoral guidelines for areas such as transport infrastructure, settlement network or natural risk areas), the zonal territorial plan (PATZ – which can be realized at regional, cross-border, inter-county, inter-city or inter-communal level) and the county territorial plan (PAT). While some authors consider that Romanian territorial planning is similar to the comprehensive integrated approach defined in the EU Compendium on Spatial Planning (Benedek, 2013), its close relation to the French aménagement du territoire (Cochechi, 2016) also suggests a possible framing within the regional economic planning approach.

The evolution of planning instruments in the last decades has been rather slow. While the planning legislation has been amended 17 times between 2001 and 2013 (Ionescu-Heroiu et al., 2013), few structural changes have occurred, with the system of plans defined in 1991 (Law no. 51/1991 on the permitting of building works and Ministerial Order 91/1991) remaining almost the same until present day. The few changes in the system of plans defined by the national planning law saw an emergence of more strategic instruments defined at supra-local level: Romania’s Territorial Development Strategy (adopted by the Government in 2016) and metropolitan/peri-urban development strategies (see tab. 1).
The Europeanization of spatial planning systems in Romania started with changes in the institutional and legal framework meant to transfer planning and implementation competencies to regional and local actors (Demetropoulou, 2002). This period, between 1997 and 2000, established the EU funds-related regional policy in Romania and defined the country’s eight development regions, which have no legal-administrative status or policy-making powers (Muntema, Servillo, 2014). While the Law no. 151/1998 established the institutions at regional and national level responsible for the regional development policy, the beginning of the years 2000s saw difficulties in implementation related mainly to the lack of cooperation between counties (Papadimitriou, Phinnemore, 2004). Since the new regional development law was approved in 2004 (Law no. 315/2004), the regions could draft Regional Development Plans. While they can be considered planning instruments, these regional plans are not correlated and often ignore the provisions of other planning instruments defined by the national planning law (Benedek, 2013).

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<tr>
<th>Territorial units</th>
<th>Administrative structure</th>
<th>Plans</th>
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<tr>
<td>National level</td>
<td>State</td>
<td>PATN sections (6)</td>
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<td>Macro-regional</td>
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| Regional level    | Regions (8) – not administrative | PATZER  
                        |                                        | PATZIJ                |
| Sub-regional level| Counties (41 + Bucharest) | PATJ                     |
| Inter-municipal   | Metropolitan areas       | Metropolitan or peri-urban strategies |
|                   | Inter-community development areas | PATZIC  
                        | (not administrative)             | PATZIO                  |
| Local level       | Towns (320 + 6 Bucharest sectors) | PUG  
                        | Communes (2,859)                | PUZ                     |

Table 1. Romania’s system of plans (adaptation after Cochei, 2016).

Consequently, we can consider that the Europeanization of the Romanian planning system has occurred, at least as far as planning instruments are concerned, mostly outside the national planning law. As a result, one of the main issues with Romania’s planning system today is its lack of connection with the regional development policy, which has rendered many of its territorial plans obsolete. On the contrary, the Romania’s accession to the European Union has seen an emergence of new documents imposed by the national law as a pre-requisite for obtaining EU funding. Examples in this regard are the Integrated Urban Development Plans in the 2007-2013 period (tackling also metropolitan strategic planning in the case of seven Growth Pole cities established by Government Decision) and the new Integrated Urban Development Strategies required by the 40 county capital cities in Romania to access urban development EU-funds. These new documents often lack integration with existing territorial or urban plans, and are often drafted just to justify EU financing for a list of projects (Elisei, Pascariu, 2012).

All in all, the Europeanization of Romania’s planning instruments can be related to the emergence of strategic planning approaches at local, county and regional level. Nevertheless, the main issue is that planning becomes more and more related strictly to EU funds absorption (Florescu, Mitrea, 2015) and is done outside the framework defined by the current planning legislation. While, these new, EU-triggered strategic approaches have encouraged inter-community cooperation (with the creation of structures such as Local Action Groups or metropolitan areas), these new plans and governance ar-
rangements have often remained purely formal and declarative (Munteanu, Servillo, 2014).

The integration of sectoral EU policies in the planning processes has also been developed mostly outside the national planning legislation. In 2002, the environmental impact assessment (EIA) and strategic environmental assessment (SEA) were included in the environmental legislation corpus, without a proper integration with the 2001 spatial planning law (Munteanu, Servillo, 2014). The process was similar in the case of other EU directives, like the Water Framework Directive (which triggered the drafting of River Basin Management Plans), the Habitats Directive or the Recommendation on Integrated Coastal Zone Management (Munteanu, Servillo, 2014). While these sectoral EU policies have had significant spatial impacts, like the creation of Natura 2000 protected areas – 13% of Romania’s country covered by Sites of Community Importance (Iojă et al., 2010) – and the demarcation of flood-prone areas, their integration in urban and territorial planning documents remains strictly related to bureaucratic approval procedures by different institutional bodies.

In Romania’s case, the relation of the planning systems with EU planning concepts and discourse is foremost a rhetoric one. Certain provisions and guidelines from European or international documents have been included in the national law – for example, the objectives of territorial planning and its characteristics (global, functional, prospective, democratic) defined by the Torremolinos charter in 1983 (CEMAT, 1983). References to the territorial cohesion concept also appear in the national planning law, with urban and territorial planning considered to be a tool for ensuring territorial cohesion at regional, national and European level. Other principles closely related to the EU discourse, like transparency, public participation in decision-making, partnerships or sustainable development, are also linked with urban and territorial planning activities in the national legislation.

Nevertheless, most of these principles are, in most cases, just formally included in the law. Most of Romania’s cities do not have their General Urban Plans published on their websites, public participation in the elaboration of spatial planning documents remains, in most cases, purely formal, while the structuring of partnerships for the complex urban interventions is very difficult because of a flawed law on public-private partnerships. The lack of a culture of cooperation within Romanian institutions greatly limits the positive effects that Europeanization processes could have on the national planning system. For example, drafting a General or Zonal Urban Plan using a multi-stakeholder participatory approach in key design phases would certainly be more efficient and would result in greater quality spatial planning documents than the current bureaucratic and time-consuming approval procedures.

All in all, Europeanization processes have had an impact on the Romanian planning systems as far as new strategic planning approaches and new governance arrangements (especially inter-community associations) are concerned. Nevertheless, the planning legislation remains obsolete due to its lack of correlation with the regional development policy and environmental law, with the national Ministry for Regional Development currently leading the process of drafting a Code of Spatial Planning and Building that would, hopefully, solve some of these legislative issues.

3.2. Italy

The country has a long and stable history of autonomous bodies. The local governments are three-tiered, comprising Regions (15 regular regions and 5 special regions), Provinces and municipalities. Statutes, powers and functions of these autonomous bodies are regulated by the Republic’s Constitution. The relationships among various local bodies were revised by the Constitutional amendment of the Constitution’s Title V (2001), as a result of which the Metropolitan Area (Città metropolitana) was added as a new form of administrative division.

The new political organisation affirms that State and Regions share legislative responsibility on many themes: one of this is ‘government of territory’. On the other hand, the legislative power for environmental protection, ecosystems and cultural heritage belongs exclusively to the State.

In this framework, the spatial planning system is connected to the country’s administrative struc-
ture, which consists of three main layers: the regional level (NUTS2), the province level (NUTS 3) and the local level – LAU 2. From the 1990s to present, in Italy, the 20 Regions have developed different Regional Laws on the topic ‘government of territory’, always formally following the old (but still in force) National Law (1150/1942) on Town and Country planning: a hierarchically-conceived law that belongs to the urbanism tradition (CEC, 1997). As far as land use control for individuals is concerned, in reality only the decisions of the Municipality master plans are mandatory.

Despite the fact that formal planning tools differ (often very much) according to different regional laws, municipal plans were broken down into two acts – a “structural” one (guidance function) and an “operational” one (building sector regulations) to be renewed periodically. Such development lines were added to public works’ programmes or private initiative projects negotiated with municipalities, which highlight the difficulty in maintaining a rigid and slowly updated schedule. Furthermore, the strong tradition in statutory planning gives a pivotal role to the formal tools in the discussions on regional and sub-regional development. A thorough reform of the national regulatory framework is clearly required, but it is not mature yet. Several proposals have been elaborated (the latest by the Minister of Infrastructure and Transport, regarding “more general planning principles and patterns” in 2014) and have raised broad consensus, but none of them have finished the legislative path. However, it is possible to sketch an evolution of the planning instruments in the last decades.

Each Region is comprised of Provinces and Municipalities. From the years 1972 to 1990, Regions were the main authority on land-use planning. In the 1970s two decrees decentralized the power for planning. At that time, several land-use and natural resource preservation responsibilities were transferred to regions. Regions assumed the responsibility for sector plans (e.g. transportation, solid waste, surface mining) and had the authority to designate the boundaries for regional parks and special conservation areas. This responsibility shifted in 1990 as a result of Act 142, when Provinces were given the power to design plans. In the light of this law, Provinces must prepare Territorial Provincial Plans and, in cooperation with the regions, approve urban plans for Municipalities. Some Regions have also proposed the delegation of urban plan approval to Provinces. Consequently, Italy’s basic framework for statutory urban plans subsequent to the decentralization of authority in 1990 (according to the New Local Autonomy Law) is as follows (in the order of descending priority; see tab. 2):

1. regional territorial plans (Piano Territoriale Regionale) – a territorial plan (PTR) is devised by each of the 20 regional governments as the upper-most plan. A territorial plan covers regulations on particular land uses, the development of large land areas, as well as the planning of infrastructure such as road and railway networks. The draft of a regional territorial plan is prepared with the participation of provinces, municipalities, private entities, and other stakeholders and is finalized by obtaining the approval of the regional assembly;

2. provincial territorial coordination plans (Piano Territoriale di Coordinamento Provinciale) and metropolitan area plans (PRGI);
3. municipal master plans (PRG);
4. detailed plans (PT).

Aside from this framework for statutory urban plans, regional territorial landscape plans (Piano Territoriale Paesaggistico Regionale) pursuant to the Galasso Act⁵ are also important local development tools. Each regional government is required to design a landscape plan, which is widely incorporated into the regional territorial plan (PTR) subject to review in accordance with the environmental protection provisions.

In these last few years, a reform process started: Law No. 56 of 7 April 2014 (the so-called “Delrio Law”) re-defines local administrations’ boundaries and responsibilities without amending Title V of Italy’s Constitution. The implicit aim of the legislator was to build with this law a first step towards a

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⁵ Legge Galasso: Emergency Legislation for Protection of Areas with High Environmental Value, legislated in 1985, the Act was amended in 2004.
new Constitutional arrangement (this needs a new constitutional reform; this reform has been proposed by constitutional referendum in the autumn 2017, but was rejected), by outlining, for the first time in Italy, two levels of government based on a "two-tier democratic system". On the one hand, the Law entrusts metropolitan cities with the strategic task of promoting the development of their own areas (also from the point of view of infrastructure and international relations) in a future-oriented logic and grounded upon dynamic relationship-based conditions. On the other hand, the Law attributes few basic functions to Provinces, thus letting their own identities largely depend on the choices that will be taken at regional level.

"In providing for the birth of metropolitan cities and, more generally, for the evolution of Provinces, the Delrio Reform assigns an important role to municipalities and associations thereof to address and manage much bigger problems and territories than those delimited by current administrative boundaries. As a matter of fact, the Reform introduces specific provisions on union and merging of municipalities. In defining the vertical stability pact, Regions can identify suitable measures to encourage partnerships and mergers of municipalities, without prejudice to the public finance objective ascribed to Regions" (Italy's Presidency of the Council of Ministers, 2016, p. 37).

The general process of change in the rationale of the Italian planning system is influenced by the following drivers:

- the market's push towards the use of occasional plans for limited areas, with many partial amendments to general plans;
- specific policies leading to the amendment of municipal plans and resorting to public-private partnerships;
- regional legislation introducing a governance system to reconnect land governance with strategic lines of protection and sustainable development;
- the need of alignment of Regions in the use of EU funds.

The promotion of the spatial and regional development policies in Italy has been focused on the economic aspect of redressing the disparities between the southern and northern Italy ever since the unification of Italy in 1861. Beginning with the first long-term economic plan for the 1965-70 period, the development of the economically interior southern Italy has been incorporated into the plan as a national economic policy.

Italy does not have higher level spatial plans that supersede regional plans, such as national spatial plan. Plans of a national scale are now devoted to specific sectors, in particular to infrastructure investment (highway, railroad, and energy). These planning activities are more influenced by EU guidelines and policy frameworks, as well as by specific Directives on sectors, which comprise the hard Europeanization mechanism. However, at political level, as well as in citizen awareness, the degree of such integration of sectoral EU planning processes in national activities is not recognized.

On the other hand, in response to the regional policies of the EU, Italy has been implementing a national fund allocation program since the 1990s based on plans, transcending national territory and the Structural Funds. Italy's central government is fulfilling its role as a coordinator of both EU policies and the country's regional policies. Regions also participate in the formulation of the national operational plan necessary for the use of the EU Structural Funds. The operational plan is devised concurrently with the regional spatial plan, in alignment with the latter.

Each Region must prepare an 'Integrated Planning Document' to set up the strategic development for the whole territory. This document is coupled with a financial program which is mandatory in order to access the EU and National resources.

The feedback effect of European policies on Italian dynamics is generally recognized: concerning infrastructure investments, as well as the State/Regions relationships, but also in each region regarding its territorial policies. The strong mutual relation (and cross-fertilization) with EU planning concepts and discourse, including references to territorial cohesion aspects is witnessed, beyond the rhetoric, by the formal documents produced in the field of regional development and planning (D’Orazio, 2012; 2014, ESPON, 2014).

The actual driving force supporting the planning system is now related to the Cohesion concept (Prezioso, D’Orazio, 2014): the national body responsible for negotiating the allocation of resources
(both European and national) is named Cohesion Agency and is the decision-making place for assigning the funds at Regional and Metropolitan level for implementing (but also elaborating) planning decisions.

Territorial planning broadly happens in consequence of an economic planning policy managed by the Region by means of a set of specific strategic projects selected in the framework of a rationale, declared as both national and European. Instead of long-term regional guidelines (often too abstract), the actual regional activities rely on fund allocation rationale: resource concentration on few interventions with an envisaged strong socio-economic impact. These regional strategic projects should allow the mobilisation of mostly private resources (mainly in the road and energy sectors), in an integrated and multiregional perspective. The planning activity ends up identifying the already-defined interventions and choosing the best ones in order to reduce timing and facilitate administrative procedures across different levels of government and control.

It is the same logic that now orientates the 21 Patti per lo sviluppo (Pacts for the development) signed by National Cohesion Agency with both the Southern regions (the 10 less developed regions) and with most of Metropolitan Cities (11 in October 2017).

The territorial plan/regional framework must be connected to the system of objectives declared at European level and included in the National Agreement, by means of a negotiation developed between Regions and the National political authority (Cohesion Agency).

The requirement of ESIF planning, to which national systems have to be aligned, is the main driver in deeply modifying the nature of traditional territorial planning instruments.

The same mechanism is acting now for urban planning, where the process of designing plans for urban development includes the adoption of Urban Agendas. These Urban Agendas are required for accessing funds, but they also contribute to the more concrete design of sectoral urban policies (mobility, energy, social needs).

Unfortunately, in response to this genetic modification which is the product of a Europeanization dynamic – a more strategic approach with no clear normative support –, no reform of the traditional planning system has succeeded: the main effect is the lack of a long term territorial perspective, both at national and regional level.

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<td>Macro-regional</td>
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<td>Piattaforme Territoriali</td>
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<tr>
<td>Regional level</td>
<td>Regions (20)</td>
<td>PTCR Regional Territorial Coordination Plan</td>
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<td></td>
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<td>PPR Regional Landscape Plan</td>
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<tr>
<td>Sub-regional level</td>
<td>Provinces (110) and Metropolitan Cities</td>
<td>PTCP Provincial Territorial Coordination Plan and Metropolitan Territorial Plan</td>
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<tr>
<td>Inter-municipal</td>
<td>Metropolitan Cities Unioni di Comuni (voluntary association)</td>
<td>PRGI Inter municipal master plan</td>
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<tr>
<td>Local level</td>
<td>Communes (8,094)</td>
<td>PRG Municipal master plan</td>
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Table 2. Italy’s system of plans (modified after Cochei, 2016).


Conclusion

The results of the analysis highlight that both planning systems, closely-related to the "urbanism" planning system tradition at local level, have undergone a transition towards more strategic instruments, often developed independently from the planning legislation. However, both national planning systems are in need of reform, with the Italian planning system still governed by the national law from 1942 and the Romanian planning instruments becoming obsolete due to the proliferation of less-regulated strategic plans required for the accession of EU funds. The on-going debates around large urban development and metropolitan areas, in both countries, illustrate the difficulty of adapting certain European models to the local and regional planning cultures. The Europeanization of the Romanian planning system seems to have remained at an absorption level, with the main elements of EU discourse being formally included in the national legislation, but few changes realized within the planning instruments themselves. On the other hand, Italy has witnessed a wide development of innovative planning instruments at the beginning of the 2000s, which has not been repeated ever since, but also, more recently, renewed attention on development issues in regional planning in relation with EU programming periods requirements. With both countries currently planning major legislative proposal of changes in the field of spatial planning, it remains to be seen to what extent will Europeanization processes affect future planning provisions.

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