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## The COVID-19 Post-lockdown Italian Scenario from an Eco-Socio-Legal Perspective

**Abstract:** This paper offers an analysis of the possible COVID-19 post-lockdown effects on the powerful factors that constitute the Italian national interest. The interdisciplinary perspective, being at the base of this study, considers a scenario characterized by three factors: time, budgetary policy, and communication. Since the social post-lockdown crisis began, Italy has been facing a problem of social justice in terms of participation, which is absent for now, especially in the political framework. The policy proposals should take account of unpopular decisions, whereas from a legal and geopolitical perspective it is necessary to have a more defined foreign policy, a clearer Italian positioning concerning international alliances with national interest as a reference point.

**Keywords:** Italy, EU, COVID-19, post-lockdown, budgetary policy

### 1. Post-lockdown in Italy

The contribution analyses the economic, social, and legal fallout in this difficult period for the European Union (EU) and Italian history.

This article offers an analysis of the COVID-19 post-lockdown possible effects on the powerful factors that constitute the Italian interest in apolitical context. The interdisciplinary perspective, being at the base of this study, outlines a scenario characterized by the following factors.

The COVID-19 (SARS CoV-2) pandemic outbreak all around the world shows how institutional failures may end up in catastrophic events. The precautionary principle has been proposed as the proper guide for the decision-making criteria

to be adopted in the face of ambiguous and vague catastrophic risks. Unfortunately, and unforgettably the political institutions at the national and supranational level, such as the EU Commission, disregarded its application opening the scenario to a very aggressive and mortal pandemic disease without targeted therapeutics for treatment and vaccines. The health, social, economic, and political consequences of the COVID-19 pandemic are difficult to predict, but they appear tragic also because it could not run into the next year<sup>1</sup>.

The COVID-19 pandemic is not just a global emergency; besides health, the impact on everyday life is enormous, as well as on rights and freedom<sup>2</sup>. To contain the virus-spread, the involved Governments (in agreement with WHO) implemented some draconian measures, derogating to laws and limiting some fundamental rights and freedoms, declared by the international Charters; furthermore, great support in detecting and tracking the spread came from the use of Artificial Intelligence, with a possible invasion of individual privacy. A holistic-complex analysis of the interactions between Artificial Intelligence and social aspects analyses the legitimacy of such strong strategies, although it highlights the need for a new paradigm based on mutual trans-national collaboration and is aimed at implementing a more adequate legislative framework to guarantee that even the post-pandemic impact would not affect human, social and political rights<sup>3</sup>.

The pandemic requires us to investigate the reasons for the crisis of the “modern” state. At the time, these reasons were identified essentially as the difficulty of ensuring adequate political representation for the interests expressed by the world of economics and work. The true legacy of the pandemic is not only having given health as a value capable of overwhelming any other constitutional value but also having entrusted the task of defining the hierarchy between constitutional values<sup>4</sup>.

1 M. Basili, *L'epidemia di "CoVid-19": il principio di precauzione e i fallimenti istituzionali*, "Mercato concorrenza regole", 2019, no. 3, pp. 475–483.

2 See: B. Caravita, *L'Italia ai tempi del coronavirus: rileggendo la Costituzione italiana*, "Federalismi. it", 2020, no. 6, pp. 1–8; P. Caretti, *I riflessi della pandemia sul sistema delle fonti, sulla forma di governo e sulla forma di Stato*, "Osservatorio sulle fonti", 2020, no. 10, pp. 1–4; A. Celotto, *La quarantena dei diritti. Come una pandemia può sospendere le nostre libertà*, *Historica Giubilei Regnani*, Roma, 2020.

3 M. D'Agostino Panebianco, *Covid-19: AI supports the fight, but reduces rights and freedoms*, "OIDU - Ordine Internazionale e Diritti Umani", 2020, no. 2, pp. 1–31.

4 See: M. Borgato and D. Trabucco (eds.), *Covid-19 vs. democrazia. Aspetti giuridici ed economici nella prima fase dell'emergenza sanitaria*, ESI, Napoli, 2020; A. Celotto, *Necessitas non habet legem? Prime riflessioni sulla gestione costituzionale dell'emergenza coronavirus*, Modena, Mucchi, 2020; G.L. Conti, *La crisi dello "Stato moderno" e l'emergenza pandemica: appunti sul ruolo delle Camere nella lotta contro il coronavirus*, "Osservatorio sulle fonti", 2020, no. 10, pp. 1–23 (access 10.10.2020).

Firstly, the time factor and the gradualness of the phenomenon. The analysis has a tactical nature and considers the time target of one-year from the end of the Italian lockdown (June 2, 2020).

Secondly, the financial factor. The analysis is based on estimates of the current state funding; approximately EUR 50 billion have been allocated for income support<sup>5</sup>; approximately EUR 400 billion have been instead allocated for the two-years 2020/2021 to guarantee liquidity to the business system, the effects of which will be seen starting from the second half of 2020<sup>6</sup>.

Subsequent additional resources could modify the expected scenario; hence the study could be updated accordingly.

Thirdly, the communicative factor. Communication produces direct and immediate effects on both economy and citizens' behaviour. The management of institutional communication by the EU, the Italian Government, the Civil Protection, and regional authorities has caused and is still causing significant negative effects<sup>7</sup>. For example, as a consequence of the statements announced by the President of the ECB Lagarde on March 12, 2020, the Milan stock exchange lost 17%, causing at the same time an increase in the Italian debt<sup>8</sup>. The overlapping contradictions of institutional communication have had a legal impact on the effective contrast of the crisis from the health, economic, and social point of view. Yet, the consensus of the present Italian government has sharply increased (in April 2020 Prime Minister Conte relies on a 67.3% consensus, whereas the left party leader Zingaretti barely receives 40.6% of popular support)<sup>9</sup>.

The importance of good institutional communication on the economic front is demonstrated by a 2012 speech given by ECB President Draghi at the Global

5 Decree Law March 17, 2020, No. 18, passed, with amendments, into Law April 24, No. 27.

6 Decree Law August 14, 2020, No. 104, Decree Law May 19, 2020, No. 34, passed, with amendments, into Law July 17, No. 77, and Decree Law April 8, 2020, No. 23, passed, with amendments, into Law June 5, No. 40.

7 G. Arfaras (ed), *L'Italia delle autonomie alla prova del Covid-19*, Guerini e associati, Milan, 2020 and L. Chieffi, *La tutela del diritto alla salute tra prospettive di regionalismo differenziato e persistenti divari territoriali*, "Nomos", 2020, no. 1, pp. 37 (access 10.10.2020).

8 See: "We are not here to close the spread. There are other tools and other actors to manage these issues". After these words had been pronounced, the bond yields of the Italian government exploded from 1.22% on 10-year maturities at 2:42 pm, before Lagarde began answering reporters' questions, to a peak of 1.88% at the end of the year. It is a colossal leap in the cost of public debt that risks costing many billions to Italian taxpayers, being the result of the words were spoken by Lagarde precisely when the country was brought to its knees by the epidemic, as, incidentally, it was spreading throughout Europe. P. Padoin, Lagarde talks about the spread: "Italian government bond yields explode, Milan stock market collapses", "firenzepost.it", March 12, 2020, available at <https://www.firenzepost.it/2020/03/12/le-parole-di-lagarde-sullo-spread-fanno-esplodere-i-rendimenti-dei-titoli-di-stato-italiani-villages-alloy-asks-the-resignation> (access 10.10.2020).

9 MG Research survey of April 14, 2020.

Investment Conference in London to save the EU economy by defending the euro<sup>10</sup>. This speech is estimated to be worth €5,000 billion<sup>11</sup>.

The same communication patterns on social networks and television are creating a “panic effect” whose consequences can be unpredictable, as they arbitrarily affect social behaviour. In particular, communication via WhatsApp is not measurable through algorithms, producing thereby unexpected effects<sup>12</sup>.

It should be also noted that, as written in the conclusions of this paper, the matter of social unease has been repeatedly analysed. This criticality undoubtedly contributes to the so-called erosion of the middle class and, simultaneously, to a more and more severe gap between the rich and the poor. Every day, one can notice this exponential increase in social hardship, which is obviously of great interest to organized crime, as it spots therein an interesting pool for new recruitment. The economic difficulties of small and medium-sized enterprises represent a great opportunity for criminal organizations. As is well known, criminal organizations have abundant financial liquidity that enables them to take possession of economically distressed enterprises to launder the money obtained, partially through drug dealing, but also by managing illegal immigration. Italy, indeed, is still coping, even in this period of health emergency with the arrival of streams of immigrants, albeit to a limited extent.

The present study also emphasizes Italy's progressive disaffection with the EU.

An important part of the Italian population at this time would probably be likely to express the desire to leave the EU. With this in mind, it may be however easily overlooked that a referendum, if not purely consultative, on the potential *Italexit*, likewise on the exit from the common euro currency, cannot be held, since the EU consists of an international policy validated by multilateral agreements and approved by the EU Parliament. That being said, some keep assuming that *Italexit* would be the best cure for Italy, as it does not seem that there are clear ideas about the near future of the country.

It is also evident that, if no reduction of policy costs and streamlining of the bureaucratic apparatus is forthcoming, it will not be possible to rebalance what in this study is reported as a gap not only among social classes but above all between politicians and state *grand commis*. These interests like common citizens, among

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10 M. Draghi, “Within our mandate, the ECB is ready to do whatever it takes to preserve the euro. And believe me, it will be enough!”, Global Investment Conference, London, July 20, 2012.

11 M. Cellino, Draghi's “whatever it takes”? Worth 5 trillion for European stock exchanges and bonds, “Il Sole-24Ore”, July 26, 2017, available at <https://www.ilssole24ore.com/art/il-whatever-it-takes-draghi-vale-5mila-miliardi-le-borse-e-bond-europei-AEyLkF3B> (access 10.10.2020).

12 L. Giungato, La pandemia immateriale. Gli effetti del Covid-19 tra social asintomatici e comunicazione istituzionale, “Società Italiana di Intelligence Press”, April 14, 2020, available at <https://press.socint.org/index.php/home/catalog/book/3> (access 10.10.2020).

whom there now seems to be no more understanding and, least of all, dialogue. At the moment, when rulers legislate, they no longer respect not only the current Italian Constitution but also what all those who have acquaintance with law, even to a minor degree, to know to be as the hierarchy of sources. Undoubtedly, changes, i.e. paradigm shifts, as they are called in the present study, must be eventually brought in, as required by the current situation. Otherwise, the very risk of a more or less declared subversion could threaten the public order.

From the geopolitical perspective, it is clear that it is necessary to have a more defined foreign policy, a clearer Italian positioning concerning international alliances, national interest taking as a reference point<sup>13</sup>.

The proposal of introducing a tracking app to download on mobile phones together with the discussion on the protection of the cyber domain amplified both matters of preventing and mapping the current virological threat as well as possible further threats of this type. All experts, indeed, are warning of a COVID-19 pandemic comeback as well as of new unknown pandemics to come. The controversy that has developed in recent days regarding the security of data and digital infrastructures, in particular concerning health facilities and data on individual health, makes us understand how it is a much-debated and still unresolved topic in Italy. The need to strengthen cyber-security, which is fundamental in many strategic and economic sectors, is becoming a national priority interest<sup>14</sup>.

Therefore, in the social, economic, military, scientific, and health fields, careful monitoring of problems and a 360° intelligence should respond with security, at least with certainty, to the challenges that the next twelve months will pose to those who govern not only Italy. Europe too must find a way to handle these international problems that primarily concern individual states but ultimately affect Europe as a whole continent, as it is losing (or has already lost!) its driving force in the global international political scene. There is no doubt that intelligence, which in the past was mainly military, should now be structured even better in the newly emerged areas of investigation. These are nowadays equipped with specialists trained in individual sectors, in addition to professionally valid experts, already operating in relevant institutions.

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13 M. Iannarone, Covid-19 e nuovi assetti geopolitici, Tempra, Ariano Irpino, 2020 and G. Torzi, Thinking outside the box. Pandemia e geopolitica: i nuovi assetti globali, Guerini e Associati, Milano, 2020.

14 G. Manzini, La cybersecurity ai tempi del Coronavirus, Aracne, Canterano, 2020.

## 2. The Social Post-pandemic Crisis

Most probably, national governments will face after the end of the emergency a critical situation in terms of social unrest, which will be primarily of an economic but also psychological and educational nature<sup>15</sup>. Taking into account that EU societies are gradually returning to their normal functioning, the real effects of social distress could be graduated. High-profile political initiatives are therefore required, aiming at tackling any sort of structural problems, while putting aside immediate and short-term political consensus. Moreover, other factors that are momentarily unforeseeable should be also considered, such as timing in terms of a comeback to normality in other countries to promote economic and commercial exchanges, the impact on personal relationships in the forthcoming months, the risk represented by social contacts (the so-called “plague spreading effect”), lastly organizational changes of companies and institutions as a result of the forced acceleration of remote work.

In any case, the economic response will be insufficient both because Italy, despite the suspension of the EU stability pact, already has a very heavy budget and because governmental choices are following income support criteria, rather than focusing on investments, while deferring real problems such as taxation burdens<sup>16</sup>, nor can one reasonably rely on the availability of Europe because EU aid, at best, would have just a relative impact. The recent US opening, however, offers interesting prospects<sup>17</sup>.

The economic crisis opens many possibilities, in Italy as in the rest of the world, for further criminal infiltrations into the legal economy and therefore into the social, political, and institutional framework<sup>18</sup>.

Moreover, during the current debate on the use of the European Stability Mechanism (ESM) in support of the economic and financial crisis resulting from the COVID-19 pandemic, the application of the ESM in a light configuration, conditioned only by the expense commitment due to the assignment of the credit line

15 M. Caligiuri, *Post Covid-19. Analisi di intelligence e proposte di policy 2020–2021*, Rubbettino-Formiche, Soveria Mannelli-Rome, 2020.

16 G. Licini, *Rapporto OCSE. L'Italia è il terzo Paese al mondo più indebitato con 62.700 dollari a testa*, “Il Sole-24Ore”, November 14, 2019, available at <https://www.ilsole24ore.com/art/l-italia-e-terzo-paese-mondo-piu-indebitato-62700-dollari-testa-AC9Ckuy> (access 10.10.2020).

17 President Trump, in the Memorandum on Providing COVID-19 Assistance to the Italian Republic of April 10, 2020, announced a series of support measures that add up to the \$ 100 million of aid, in medical material, already planned. It would allow Italy to have coordinated access to American health and industrial resources for the management of the health crisis and, at the same time, guaranteeing economic support to counter the severe recession of phase two. See D.J. Trump, *Memorandum on Providing COVID-19 Assistance to the Italian Republic*, “Presidential Memoranda”, available at <https://www.whitehouse.gov/presidential-actions/memorandum-providing-covid-19-assistance-italian-republic/> (access 10.10.2020).

18 R. Baldwin and B. Weder di Mauro (eds), *Mitigating the COVID Economic Crisis: Act Fast and Do Whatever It Takes*, CEPR Press, London, 2020.

called Pandemic Crisis Support (PCS), established based on the existing Enhanced Conditions Credit Line (ECCL), *ad hoc* to face the pandemic crisis, is questioned by the letter of the regulatory body governing its operations. Besides that, according to the analysis of the regulations, there are some concerns about the possibility of modifying the conditionality in a stricter sense at a time following the access to precautionary financial assistance. There are no guarantees about scenarios that are likely to be expected as a consequence of the activation of the ESM in an anti-pandemic purpose, especially considering the nature of this Institution, created to guarantee the financial stability of the Eurozone and with the role of lender of last resort<sup>19</sup>.

The great health emergency caused by the spread of the COVID-19 outlines a scenario in which serious negative economic and financial implications have been produced as a consequence of the foreseeable recession due to the sudden halt of the production processes and the lock-down of all activities except for those related to essential services. For a complete analysis of this reality, the EU reactive measures shall be considered and, in particular, those promoted by its key institutions as well as by other global players. Many analysts and politicians are convinced that to deal with the issues resulting from the COVID-19 it is necessary to fully fertilize the financial systems, recognizing the need for a salvific financial intervention. The Italian Government has adopted many measures to face this situation, but also there is also a widespread awareness that to implement a wide-ranging program only the achievement of a common EU response against the health emergency, which afflicts most of the Member States, will make possible the giving of credence to the aims probably pursued by the Italian Government. After some initial hesitations, the EU has shown its willingness to consent, to counter the pandemic, greater economic flexibility in the management of the public accounts of the Member States. The EU Commission presents a “draft proposal for a temporary state aid framework to support the economy in the context of the COVID-19 outbreak”, also allowing these States to deviate from compliance with their previous budgetary targets before the explosion of COVID-19 infection. The ECB, after the forecast of a massive long-term loan program, the so-called TLTRO III, launched the Pandemic Emergency Purchase Program (PEPP) of 750 billion Euros ‘to counter the serious risks to the monetary policy transmission mechanism and the outlook for the Euro area posed by the outbreak and the escalating diffusion of the “coronavirus”, COVID-19’. There is no doubt that COVID-19 has marked a new frontier in unifying the EU

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19 F. Salmoni, L’insostenibile “leggerezza” del Meccanismo europeo di stabilità. La democrazia alla prova dell’emergenza pandemica, “Federalismi.it”, 2020, no. 20, pp. 280–313 (access 10.10.2020).

construction<sup>20</sup>. However, what appears to be a rediscovered spirit of solidarity has been stopped after the request of the Italian Prime Minister to allow Member States to make use of the ESM without being subject to conditions. Hence, a clear contrast emerges with the Countries of northern Europe who oppose the creation of Eurobonds fearing that they will have to share the financial plus/value of their bonds with the Mediterranean States. Italy and Spain reject the “draft agreement discussed by the Council of the European Union” on COVID-19, leaving a glimpse of a storm that increasingly causes a critical look at the “cornerstones of the Union” if the leaders of the EU institutions persist not to understand that a Europe of rules must be replaced by Europe of solidarity<sup>21</sup>.

Regardless of the health event that has generated such a situation, the management of the crisis itself, both in terms of economic and communicative choices, poses problems of primary importance since it has caused damage that directly affects those who were touched by the pandemic<sup>22</sup>.

Legislative provisions deserve a separate discussion. On the one hand, they are undoubtedly necessary. On the other hand, doubts concerning their timing and legitimacy have recently been raised. Regarding the former, there are criminal complaints whose validity must be verified<sup>23</sup>; as to the latter, doubts also arose on both the constitutionality and suitability of certain measures which have produced regulatory uncertainty, creating confusion among citizens and distrust of investors and entrepreneurs<sup>24</sup>.

20 E. Chiti, *L'Unione e le conseguenze della pandemia*, “Giornale di diritto amministrativo”, 2020, no. 4, pp. 436–444 and M. Marchi, *Covid-19 e caos europeo: ripartenza o Finis Europae?*, “Rivista di politica”, 2020, no. 2, pp. 49–54.

21 F. Capriglione, *La finanza UE al tempo del “coronavirus”*, “Rivista Trimestrale di Diritto dell'Economia”, 2020, no. 1, pp. 1–39.

22 Already at the beginning of the pandemic, it was highlighted in N. Barone, and M. Bartoloni, *Coronavirus, dal panico allo scontro con le Regioni: 5 errori nella gestione dell'emergenza*, “Il Sole-24 Ore”, February 28, 2020, available at <https://www.ilsole24ore.com/art/coronavirus-panico-scontro-le-regioni-5-errori-gestione-dell-emergenza-AC6Q4TMB> (access 10.10.2020). See also: E. Balboni, *Autonomie o centralismo contro il coronavirus*, “Quaderni costituzionali”, 2020, no. 2, pp. 373–375; E. Longo, *Episodi e momenti del conflitto Stato-regioni nella gestione della epidemia da Covid-19*, “Osservatorio sulle fonti”, 2020, 10, pp. 1–31; G. Mazzola, *Coronavirus: crisi o sviluppo dell'Autonomia?*, “Nomos”, 2020, no. 1, pp. 1–14 (access 10.10.2020).

23 Criminal charge, *ex artt.* 40, para. 2, 438, 452, and 589 with aggravated by art. 61, para. 3) and 9), criminal code, available at <https://www.studiolonoce.it/articoli/1753/> (access 10.10.2020). See A. Bernardi, *Il diritto penale alla prova della COVID-19*, “Diritto penale e processo”, 2020, no. 4, pp. 441–451.

24 S. Cassese, *Coronavirus, il dovere di essere chiari*, “Corriere della Sera”, March 23, 2020, available at [https://www.corriere.it/editoriali/20\\_marzo\\_23/dovere-essere-chiari-b5b36828-6d39-11ea-ba71-0c6303b9bf2d.shtml](https://www.corriere.it/editoriali/20_marzo_23/dovere-essere-chiari-b5b36828-6d39-11ea-ba71-0c6303b9bf2d.shtml) (access 10.10.2020).



Some believe that emergency legislation restricts citizens' freedom<sup>25</sup> as they can be more easily manipulated in a climate of fear than normally<sup>26</sup>. A similar debate took place in the US regarding the Patriot Act of 2001<sup>27</sup>. Cassese expressed many doubts about the language, often indecipherable, used in this emergency decree<sup>28</sup>.

There is clear evidence that the rulers of all countries are in trouble and that while proper conduct must be observed in the middle of the emergency, the actual results will be seen once it is over. It should be however considered that it may take some years.

- 25 See: R. Bartoli, *Legalità e coronavirus: l'allocatione del potere punitivo e i cortocircuiti della democrazia costituzionale durante l'emergenza*, "Osservatorio sulle fonti", 2020, no. 10, pp. 1–17; P. Bonetti, *La Costituzione regge l'emergenza sanitaria: dalla pandemia del coronavirus spunti per attuarla diversamente*, "Osservatorio sulle fonti", 2020, no. 2, pp. 1–51; L. Cuocolo (ed), *I diritti costituzionali di fronte all'emergenza Covid-19. Una prospettiva comparata*, "Federalismi. it", May 5, 2020 (access 10.10.2020); G. Mastandrea Bonaviri, *International Humanitarian Law and the Fight against Epidemics: An Analysis of the International Normative System in Light of the COVID-19 Public Health Emergency*, "OIDU - Ordine Internazionale e Diritti Umani", 2020, no. 3, pp. 1–22; A. Mazzola, *Brevi riflessioni sul sistema delle fonti nel contesto del nuovo-coronavirus*, "Nomos", 2020, no. 1, pp. 1–15 (access 10.10.2020); A.J. Palma, *Pandemia e diritti umani: l'Italia e lo stato di eccezione al tempo del coronavirus*, "OIDU - Ordine Internazionale e Diritti Umani", 2020, no. 2, pp. 1–27; P. Pantalone and M. Denicolò, *Responsabilità, doveri e "coronavirus": l'ossatura dell'ordinamento nelle emergenze "esistenziali"*, "Il diritto dell'economia", 2020, no. 1, pp. 125–166; U. Ronga, *Il Governo nell'emergenza (permanente). Sistema delle fonti e modello legislativo a partire dal caso Covid-19*, "Nomos", 2020, no. 1, pp. 1–34 (access 10.10.2020).
- 26 For a sociological view, see U. Beck, *La società del rischio. Verso una seconda modernità*, Carocci, Rome, 2013 and Z. Bauman, *Paura liquida*, Laterza, Roma-Bari, 2012. For a legal approach: G. Marazzita, *L'emergenza costituzionale. Definizioni e modelli*, Giuffrè, Milan, 2003 and S. Romano, *Osservazioni preliminari per una teoria sui limiti della funzione legislativa nel diritto italiano*, (in:) S. Romano, *Lo stato moderno e la sua crisi: saggi di diritto costituzionale*, Giuffrè, Milan, 1969, pp. 117–150.
- 27 An analytical reconstruction of the text of the law of the USA Patriot Act, Electronic Privacy Information Center, its history, and the debate that followed is available at <https://www.epic.org/privacy/terrorism/usapatriot/> (access 10.10.2020).
- 28 "It is understandable - but not justifiable - to have chosen the wrong path to quickly create a new right of the health emergency, basing on the existing health policy laws such as the Constitution on international and the consolidated text of health laws. However, it is not clear why our rulers continue to declare such obscure proclamations. The last decree of the President of the Council of Ministers, announced on television on the evening of March 21, signed the following evening and entered into force the following day, contains, in its dispositive part, 864 words and ten references to other decrees, laws, ordinances, codes, protocols. At Palazzo Chigi do they think that all Italians can consult all regulations, including ordinances? (...)". On 9 August 1940, Churchill signed a one-page document in the War Cabinet at 10 Downing Street, entitled "Brevity", which lists in four points how governmental documents should be written. If you do not want to cross the Channel, you can read the 'style code' of public administrations, published in 1994 by the Ministry of Public Administration». See S. Cassese, *Coronavirus...*, *op. cit.*

### 3. The Policy Proposals

One possible way to contain the inevitable social unease is to make unpopular decisions.

In the near future, it will be necessary to make painful choices to meet minimal social justice criteria. Among these, we can discuss the following: taxing generous pensions, limiting gold pensions, reducing rewards and benefits of parliamentarians and regional councillors, decreasing the remuneration of directors-general of health and top figures of Ministries and Regions, as well as limiting the remuneration of employees of high institutions (Parliament, Presidency of the Republic, Government, Constitutional Court, and others at the regional and local level).

These employee categories are accustomed to very high salaries that do not meet the criteria of equal social utility or reasonableness; hence, they could be reduced through a legislative decree. Although the remuneration for the above-mentioned categories requires moderate expenditure compared to the state budget, a reduction in their paycheque could positively affect not only the selection of the ruling class but also the social distress, bringing elites closer to citizens.

That being said, the priority should currently be given to an income redistribution policy, including, for demonstrational purposes, the following aspects: formulating state budget, orienting public spending by reviewing the Bassanini Acts of 1997–1999 on administrative rules with urgent features<sup>29</sup>, launching bureaucratic streamlining, planning intervention on the prison issue, and lastly, arranging the construction of new buildings.

The central issue that Italy will face is the following one: effective social stability will depend on the balance that will be reached between the conditions of poverty and the reduction of well-being.

In this context, it is necessary to set out some considerations on the following topics: the role re-articulation between State and Regions, drawing inspiration from the outcomes reported during the present emergency, and the fact that many doctors and nurses who are working and dying for our health in these days are part of a system in which health care is often a private affair with gigantic interests<sup>30</sup> and structural and organizational deficiencies that have highlighted the weaknesses of the national

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29 The legislation produced, at greater costs, the strengthening of managerial roles, yet with no benefits in terms of efficiency and bureaucracy. On the contrary, public immobility has increased while the reduction of administrative controls has objectively favoured the infiltration of mafias in local and regional administrations.

30 In 2017, public health expenditure in Italy amounted to 6.6% of GDP, a value about three percentage points lower than that of the German one (9.6%) and the French one (9.5%), by one percentage point compared to the United Kingdom and slightly higher than in Spain (6.3%), Portugal (6.0%) and the Czech Republic (5.8%). See Court of Auditors, Report to Parliament on the Financial Management of the Regional Health Services, 2017 financial year, Resolution No. 13/SEZAUT/2019/FRG.

health system although the Italian health care system is one of the most celebrated in the world<sup>31</sup>.

Mafias are against the implementation of health measures; for this reason, they are spreading more and more; not only for their great economic capacity but above all due to the inefficiency of public elites and due to all forms of legalized social injustice.

Urgent policies are required on the infiltration of organized crime into the legal economy, as political parties have responsibly highlighted several times.

The economic sectors most exposed to the appetites of economic crime are those that were most affected not only by the lockdown but also by a slower recovery related to phase 2. The aggression of organized crime will be more evident in the medium to long-term than in the short one, mainly in the tourism, events, catering, transport industries, in particular, in the airline industry<sup>32</sup>.

Particular attention must be paid to ownership changes reported to the Chambers of Commerce and the procedures of bankruptcy sections of the Courts.

In this complex framework, national intelligence plays a demanding, forecasting role about social unease and further criminal infiltration.

### **The Conclusive Remarks from an Eco-Socio-Legal Viewpoint**

A new phase in the great international geopolitical game began at the same time as the spread of the pandemic<sup>33</sup>. In this context, Italy, being historically at the centre of geostrategic interests, must develop a clear strategy<sup>34</sup>.

EU internal contrasts could determine two distinct opposite poles: a resumption of the secessionist ideal between the North and the South of the Union, on the one hand, the strengthening of nationalisms with the ever-clearer intention to leave the EU, as recent polls show, on the other hand<sup>35</sup>.

31 Cereda D., *et al.*, The early phase of the COVID-19 outbreak in Lombardy, Italy, "arXiv:2003.09320", 2020.

32 L. Capuzzi, Criminalità. Narcos, assalto all'Europa Messico-Calabria prove di alleanza, "Avvenire", January 19, 2011, available at [https://www.avvenire.it/mondo/pagine/narcos-assalto-alleuropa\\_201101191029451700000](https://www.avvenire.it/mondo/pagine/narcos-assalto-alleuropa_201101191029451700000) (access 10.10.2020).

33 S. Cont, Geopolitical Shifts and the Post-COVID World: Europe and the Multipolar System, "IAI", June 2020, available at <https://www.iai.it/sites/default/files/iaicom2043.pdf> (access 10.10.2020).

34 E. Poli, Italy: Yes to more international cooperation, but not external solidarity per se, (in:) L. Debuysere (ed), *Coronationalism' vs a geopolitical Europe? EU external solidarity at the time of Covid-19*, CIDOB, Barcelona, 2020, pp. 13–14.

35 According to a survey carried out by Euromedia Research of 15.04.2020, for 59% of the respondents the EU would have no reason to exist. A survey conducted in early April by the SWG Institute of Trieste records a collapse in Italian confidence to 27%, compared to 42% in 2019. See: *Italtpress, Coronavirus, un sondaggio: per 59% intervistati UE non ha più senso*, April 15, 2020, available at <https://www.italpress.com/coronavirus-un-sondaggio-per-59-intervistati-ue-non-ha-piu-senso/> (access 10.10.2020); N. Corda, *Sondaggi, l'Europa crolla nella fiducia degli italiani*.

Italy will have to deal with the effects of the reorganization of international balances and, particularly, with the following challenges: the actual role of the EU and its fundamental contradictions, as revealed by the actual pandemic hardships; the leading role of China<sup>36</sup>, which immediately launched a “sanitary silk road” alongside the “economic silk road”; US policies, which in the period between the time of writing and November 2020 will inevitably be conditioned by presidential elections; and the role of Russia, which has accentuated its interest in EU and Italian politics.

In Italy, there are supporters of the EU, the US, and China; the links with Russia seem instead less present and evident.

It is, therefore, necessary to overcome such fluctuating policies, without losing sight of the traditional Italian alliances linked to NATO and the EU though pursuing long-term national interest as the main compass. This requires the development of the ability to interpret world trends. In this context, the role of intelligence is more strategic than ever.

In addition to the health tragedy experienced in Italy with clear initial governmental responsibilities<sup>37</sup> as well as the economic and social consequences should be also taken into account. The present analysis took into consideration the issue of social hardship, as it accentuates both territorial and civic inequalities along with the erosion of the middle class and the widening gap between the rich and the poor.

At the same time, social hardship risks widening the recruitment pool of criminals and accentuating the separatist forces of the more developed areas of the country. Similarly, strong opposition tendencies to EU policies are rising, so increasingly that EU separationist trends are slowly taking shape within Italian society. Talking about state policies, the emphasis was placed in this study on measures that could rebalance the gap among social classes and, in particular, between public management elites and citizens, through a series of structural interventions aimed to reduce the costs of both political and bureaucratic system. It should be also highlighted the need to redefine the power between State and Regions, especially in the health sector. This could be the proper occasion to introduce paradigm changes, which in any case will

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Germania nemico numero uno, “eunews.it”, April 8, 2020, available at <https://www.eunews.it/2020/04/08/sondaggi-leuropa-crolla-nella-fiducia-degli-italiani-germania-nemico-numero-uno/128811> (access 10.10.2020).

36 See: G. Cuscito, Molto soft power, pochi affari. La Cina in Italia dopo il coronavirus, “Limes”, 2020, no. 4, pp. 65–72; A. Selvatici, Coronavirus. Made in China. Colpe, insabbiamenti e la propaganda di Pechino, Rubbettino, Soveria Mannelli, 2020; D. Shen, Così la Cina sta vincendo la partita del coronavirus, “Limes”, 2020, no. 3, pp. 59–68.

37 See: M. Nacoti, *et al.*, At the Epicenter of the Covid-19 Pandemic and Humanitarian Crises in Italy: Changing Perspectives on Preparation and Mitigation, “NEJM Catalyst”, March 21, 2020; F. Ratto Trabucco, Fra omissioni, contraddizioni e riduzionismo: le responsabilità degli organi deputati alla sanità pubblica italiana nella prevenzione della pandemia Covid-19, “Quaderni amministrativi”, 2020, no. 3, pp. 22–29.

be imposed by the ongoing events. A better approach to them should be attempted in some way in order to govern rather than passively endure.

At the geopolitical level, the issue of a clearer Italian positioning concerning international alliances following the COVID-19 pandemic has arisen, which has the natural interest as a reference point.

At the military level, the present analysis examined the probable downsizing of funds in the state budget. Implementing the criterion of linear cuts, if the reduction in our country's GDP for 2020 will be envisaged by the IMF, the reduction in military expenditure could be around €3 billion. Moreover, the emphasis of this study was placed on those areas of intervention that should be strengthened, such as the protection of the cyber domain and the prevention of NBC threats, considering that the current pandemic may not be the last one.

At the economic and industrial level, the Italian position in international markets is at risk. This weakening affects the reputation of the country, which could be threatened by further criminal infiltrations and may be "conquered" by other countries. The risk is that foreign multinationals may take advantage of the Italian weakening to strengthen their role, especially in the manufacturing industry.

Indeed, the global competition perspective is not reflected in global economic regulation<sup>38</sup>. In such a scenario, in political and socio-economic crises, like the one related to the COVID-19, the important role of the State and national sovereignty resurface, and this is shown by the growing recourse to national interests' defence measures, among which golden power and screening of foreign direct investments can be included. At the same time, the pandemic COVID-19 as well as the interpretative uncertainties related to the principle of solidarity between the Member States, call into question – probably in an irreversible manner – the process of EU integration<sup>39</sup>.

The principle of solidarity, widespread in the founding EU Treaties, has assumed a particular meaning in the field of economic policy. In the present case, as a result of the measures assumed following the interventions adopted by the EU institutions in the context of the previous financial crisis, it currently means that the taking on of other people's debts is not allowed, but it is, however, possible to grant loans to the Member States at a rate of more favourable interest than that offered by the market, provided that they undertake to implement certain economic reforms (so-called conditionality). The measures that have been put in place by the EU institutions to deal with the COVID-19 pandemic, despite the emphasis with which they have been accepted and despite certain journalistic proclamations, do not seem to constitute

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38 V. Minervini, *Insolvency, Competition, Economic Growth (and Recovery)*, "Federalismi.it", 2020, no. 16, pp. 250–265 (access 10.10.2020).

39 F. Gaspari, *Poteri speciali e regolazione economica tra interesse nazionale e crisi socioeconomica e politica dell'Unione europea*, "Federalismi.it", 2020, no. 16, pp. 118–134 (access 10.10.2020).

an effective derogation from the usual interpretation and the role of the principle of solidarity in the economic policy<sup>40</sup>.

In this context, the governmental reaction should be updated, supplementing it with the definition, still not clarified, of “assets and relationships of strategic importance for the national interest”<sup>41</sup>. Therefore, at this stage, it could be considered whether to prohibit the sale of shares of strategic assets. Among these, health care should also play a significant role, as precisely health care should be strengthened by investing in pharmaceuticals, digital technologies, including telemedicine as well as other areas enjoying a high level of innovation.

Risks must be monitored not only immediately, but also in the medium term; since the organized crime, multinationals, investment banks, sovereign wealth funds, and foreign countries could act after some time, encouraged by media hype of the emergency, and pose the foundations for their future intervention.

Some measures have been considered in this study in support of small and medium-sized enterprises and the workforce supported by them. One of these themes is the incentive for the production from low-income countries to Italy as well as proper legislative and tax conditions to encourage the reactivation of registered offices belonging to foreign activities so that the Italian tax revenue could take advantage of it.

At the scientific level, the need to strengthen the security of data and digital infrastructures, in particular of health facilities, has been extensively highlighted in this paper. Some important research fronts are constantly developing, including vaccine and therapy research, progress in terms of health policies, the use of digital technologies, and the study of mental and psychological impacts. The importance of balancing the role of scientific research and national security with political decision-making was also mentioned throughout this study. As concerns research policies, more specifically, the importance of referring to institutional sources that perform coordination functions, as in the case of the World Health Organization (WHO), was mentioned, too. Eventually, it was pointed out that the educational emergency cannot be addressed by simplifying learning paths, but rather by introducing real teaching and verification mechanisms that may lead to the consolidation of knowledge.

In all these aspects, explicitly provided by the 2007's Italian reform law of intelligence services<sup>42</sup>, intelligence still covers a fundamental function in the Italian COVID-19 post-lockdown era; hence, it should be constantly enhanced and developed. A related issue to the intelligence service and the participation of the

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40 G. Contaldi, *La solidarietà europea in campo economico ai tempi della pandemia da Covid-19*, “OIDU – Ordine Internazionale e Diritti Umani”, 2020, no. 3, pp. 1–17.

41 Golden Power, available at <https://www.governo.it/it/dipartimenti/dip-il-coordinamento-amministrativo/dica-att-goldenpower/9296>, 2020 (access 10.10.2020).

42 Law August 3, 2007, No. 124.

community is the right of access to the Technical-Scientific Committee reports for the pandemic governmental management that are published only 45 days after. To date, the intervention of the Administrative Courts<sup>43</sup> has not managed to overcome the resistance to the full and immediate transparency of the pandemic management acts adopted by the Conte Government and characterized by opacity from the perspective of publicity of these particular acts, also approved by a parliamentary majority<sup>44</sup>.

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43 Council of State, no. 5426/2020 and Regional Administrative Court of Lazio, no. 8615/2020 on the right of access to some reports of the Technical-Scientific Committee.

44 In the session of September 29, 2020, the Chamber of Deputies rejected the motion Meloni, Molinari, Gelmini, Lupi, and others no. 1–00376, concerning initiatives aimed at guaranteeing the integral and direct publication of the reports of the Technical-Scientific Committee (241 votes against, 199 in favour and 5 abstentions).

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