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## Essays and articles

### Constitutional Safeguards for Italian Provinces and Prospects for Their Reform (p. 467)

*Stefano Civitarese Matteucci*

*This work aims to provide a general account of the role of provinces in the Italian legal system, especially as regards constitutional safeguards. After analysing the development of provinces firstly in the pre-republican regime and then in the post-war Constitution, the author addresses the following issues: if and to what extent provinces are a necessary level of local government; the kinds of autonomy and powers, as compared to other local authorities, the Constitution confers to provinces; the impact of the 2001 constitutional reform concerning regional and local government on the duties and role of provinces in the new quasi-federal order. This account helps frame the ongoing discussion about scrapping provinces as a way to cut public expenditure. In fact the mere elimination of provinces would not solve the problem of how to secure an efficient and effective governance for so-called “vast area” duties and services, that are neither municipal nor regional. The analysis of recent legislation shows that most powers transferred from the central to local government are indeed of the “vast area” type; ironically, despite their bad reputation, provinces have been granted many significant new administrative tasks.*

### Administrative Simplification and the Need for Policy Uniformity and Effectiveness. The Search for Stable Coordination between State and Regions (p. 501)

*Marta De Giorgi*

*Administrative simplification has progressively achieved so much importance that, especially in the field of so-called “economic development”, regions’ legislative prerogatives have lost all significance. This deprivation process is particularly evident if one examines the general rules governing “administrative procedures”. Thus the author offers a critique of both the national legislators’ tendency to intervene in the field of administrative simplification with cross-sectional, disjointed measures and the lack of a sorely needed unified vision and stable coordination centre between the “centre” and “territories”.*

**Economically Relevant Local Public Services after the Referendum: Novel Features and Confirmations in Law No. 148/2011 (p. 531)**

*Antonella Azzariti*

*The article analyzes the innovations and the main changes in procedures for awarding local public utilities as a result of the referendum held June 12-13, 2011 and the approval of law no. 148 of 2011. The author also highlights selected issues concerning water distribution services and waste management.*

**The Intervention in the Economy by Regions and Local Authorities between State Aid and Protection of Competition (p. 561)**

*Francesco Bilancia, Andrea Filippini*

*After outlining the reform cycle initiated in the 1990s, this short essay deals with the issue of public intervention in the economy by regions and local authorities. In particular, attention is focused on the tools local governments can use to actually influence economic development, production activities, land use, the environment, infrastructure, and welfare services, within the new financial regime introduced by the Economic and Monetary Union (known as the Internal Stability Pact). The final part of the analysis is devoted to the topic of the EU limits on public intervention in the economy, with specific reference to exceptions to the Community guidelines on state aid aiming to support the development of small and medium-sized enterprises.*

**The Principle of Horizontal Subsidiarity in the Jurisprudence of Administrative Courts: Justiciability Issues and Implementation Prospects (p. 593)**

*Silvia Pellizzari*

*The article aims to analyze the role of Italian administrative courts in the implementation of the principle of "horizontal subsidiarity" as defined by the Italian Constitution (art. 118, para. 4). Although the relevant judgments are quantitatively quite scant, the analysis suggests that many difficulties still remain in clarifying the scope of the constitutional principle. Moreover, in some cases a new tendency has recently emerged. Administrative courts often refer to the principle of "horizontal subsidiarity" in order*

*to strengthen other fundamental values governing public administrative activities such as the principles of transparency and private's participation in the administrative decision-making process. On these premises, the author offers some conclusive considerations concerning problems and prospects of justiciability and implementation of the principle of "horizontal subsidiarity" in the Italian legal system.*

#### Statutory Guarantee Bodies, Legislative Methods, and Regional Councils (p. 623)

*Nicola Lupo*

*The author analyzes statutory guarantee bodies, proposing that they perform an "advisory" role and emphasizing their functions relating to increasing complexity and intricacy of legislative processes. In this sense statutory guarantee bodies may find a fuller development of their potential by strengthening their relationship with regional councils.*

#### Consultive Juridical Councils and the Spanish Regional Experience (p. 637)

*Vicente Garrido Mayol*

*The author analyzes origins, nature and functions of the Consejos jurídicos consultivos in Spain. The nature of these institutions is influenced by the fact that the Consejo de Estado, according to the Constitution and its implementation law, has an advisory function that can also be performed in favor of the Comunidades autonomas. The latter, however, can establish their own advisory bodies and, since the 1980s, the Community Councils have established the Consejos jurídicos consultivos. The Councils are structured as independent institutions that cooperate with the Administration in an advisory capacity, analyzing their performance in terms of compatibility with the existing legal framework.*

### Notes and comments

#### Information Coordination and Public Administrations (p. 659)

*Francesco M. Lazzaro*

### **Regional Observatory**

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*Fabio Ratto Trabucco*