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Essays and Articles

The legislative process for Municipality mergers according to regional laws (p. 313)

Rita Filippini, Alessandra Maglieri

The institute of municipality mergers is experiencing a phase of particular importance. In recent years, many Italian Municipalities have undertaken merger procedures; Regions, which the Constitution expressly identifies having jurisdiction in the matter, are developing appropriate norms regulating the legislative process for such mergers. Regions, in particular, have jurisdiction over the enactment of regional laws involving: the general normative framework for individual merger laws; territorial consultative referendums; organization and regulation of individual mergers. The article describes the framework of the 61 mergers that have already occurred in Italy, cites the relevant national laws and explains the general legislative process for mergers by examining regional legislation and highlighting the specific measures that Regions have adopted.

A new tool for rescaling Spain's municipal structure: Municipality merger agreements (p. 331)

Marcos Almeida Cerrada

This article deals with the institution of Municipality merger agreements (convenios de fusión de municipios), which was recently introduced into Spanish law. Specific focuses include the institution's nature, requirements, effects and enactment procedure. The analysis aims to highlight the main problems posed by regulating this institution, in terms of autonomy, democracy and effective local government, with the ultimate aim to propose a set of solutions to address them.

Inter-municipal structures in Argentina: origins, balance and recommendations (p. 357)

Enzo Ricardo Completa

As a consequence of the decentralization process undertaken in Argentina during the past few decades, municipal administrations have begun to de-

velop innovative practices aimed at fostering or acquiring new managerial abilities that would allow them to address a wider agenda. Since the problem-solving demands of this new agenda exceed, in most cases, the territorial boundaries and the specific abilities of local governments, inter-municipal cooperation and collaboration have emerged as an alternative for dealing with these problems. This article analyzes the institutional strengths and weaknesses of local governments in Argentina as concerns management of programmes and projects at the inter-municipal level, focusing the analysis on the creation and development process of micro-regions and public consortia. In light of these developments, further thoughts are developed regarding constraints and lack of institutional ability that negatively influence or prevent the execution of inter-municipal programmes in Spain. Finally, the article identifies criteria developing strategies for the institutional reinforcement of inter-municipal management.

Metropolitan Cities in Spanish Law: current models and the impact of the economic crisis (p. 381)

Francisco Toscano Gil

This essay analyzes the Metropolitan City institution in Spanish law. Firstly, it underlines the progressive decline of “strong” metropolitan government arrangements and the need to identify more flexible alternatives. The failure of so-called “metropolitan areas”, as a local authority (article 43 LBRL), can be addressed by using other legal techniques, not initially designed for this purpose, that are proving themselves useful and effective. The most important of these alternative approaches include territorial planning, inter-municipal associations and local consortia. Finally, the author discusses the impact of the economic crisis on Spanish metropolitan cities.

The economic and financial crisis and Germany’s multi-level system. Critical remarks on the policy of austerity (p. 423)

Alexander Grasse

The article deals with recent developments in Germany’s multi-level fiscal policies and focuses on the consequences of austerity policies at the

regional and local level. Whereas the federal reform of 2006 was supposed to enhance regional autonomy, in reality, austerity measures (enforced by the so-called debt brake adopted into the Constitution in 2009) are noticeably restricting policy-making capacity for both Länder and Municipalities. Indeed, public investment rates in Germany have not only been lagging behind EU and OECD averages for many years now, but since 2003, public investment rates are no longer sufficient to stop the deterioration of Germany's infrastructure. Such infrastructure is fundamental for Germany's economic success and its social market economy as a whole, due to its large multiplier effect on domestic demand and private-sector production capacity. Finally, austerity policies cause a growing number of inter-territorial conflicts which remain unresolved.

Notes and Comments

Municipalities merger and incorporation according to Constitutional Court's sentence no. 50/2015 (p. 447)

Cosimo Tommasi

The process of merger by incorporation, which was introduced by Clause 130 of Law No. 56 of 2014, qualifies as a potentially important tool for the reorganization of municipal areas in terms of dimensional, organizational and functional adequacy. However, the impact that the institution will be able to produce on the reorganization of municipalities as a whole appears negatively affected by the strong identity-based resistance and by the interpretation that the Constitutional Court. With its sentence No. 50 of 2015, the Court states that the national government has exclusive legislative jurisdiction over merger by incorporation, thus reducing differentiation opportunities at the regional level and creating an unjustified distinction between "traditional" and incorporation mergers.

Towards a presidential model? Appointed officers and decision-making power in the new regional executive bodies (p. 461)

Brunetta Baldi

This article analyzes the new executive bodies which were appointed in Italian ordinary charter Regions after the 2013-2015 elections, in order to understand whether the critical state of public finance has led to a reduction in the appointment of external officers, who cost more than those chosen among members of regional parliaments. Moreover, the article investigates the relationship between directly elected presidents and appointed officers in order to assess how decision-making power is actually divided within the regional executive body officers. On the basis of empirical data, a typology is developed which detects a strengthened decision-making role of presidents, shifting the form of regional government toward a more fully presidential model.

Regional Observatory

Municipality mergers in the Emilia-Romagna Region: estimating benefits via data analysis of balance sheets and staff censuses in 2013 (p. 477)

Stefano Ramazza

The specificity of the Province of Belluno and its relations with the Veneto Region: brief remarks on article 15 of the new regional Charter (p. 497)

Luca Dell'Osta