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“New Regionalism” Put to the Test of the Constitutional Referendum
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Tomaso F. Giupponi

Essays and Articles

Constitutional Reform and Form of Government (p. 15)

Salvatore Curreri

The article aims to evaluate the effects of Italy's recent constitutional reform, which will be the object of a referendum, on the country's form of government. To this end, we develop a critique of two opposing views. The first states that the reform's effects involve only the fact confidence votes in support of the government are expressed exclusively by the Chamber of Deputies, after the transformation of the Senate into a forum for representation of local institutions. The opposing view holds that the reform, together with the new electoral law, determines an undue concentration of power in the hands of the Prime Minister, who is also the leader of the winning party in the elections and as such the beneficiary of the electoral law's majority premium. An intermediate view is then outlined: on the one hand, the constitutional reform, rather than introducing elements of rationalization of the parliamentary system, aims (perhaps too optimistically) to strengthen and stabilize the political system emerging from the new electoral law; on the other hand, it introduces new axis counterweights to the government – parliamentary majority dynamic, both within the institutions, through the constitutional provision for a statute of the oppositions, and outside them, through the strengthening of institutions of direct democracy.

The Political Representation of the Italian Republic's Territorial Institutions (p. 47)

Laura Buffoni, Andrea Cardone

The essay uses parliamentary representation's theoretical and dogmatic structure to interpret Italy's new constitutional provisions and assess the new Senate's ability to fulfil the representation needs that the reform expects from Parliament. Within this perspective, the essay analyzes a set

of fundamental issues stemming from the constitutional reform: the representation of “territorial institutions” in political-parliamentary terms; the new Senate’s structure; the relationship between political representation and elections; the “quality” of the representative-represented relationship; the heterogeneity of representatives and the represented.

The Types of Legislative State and Regional Jurisdiction in the Constitutional Reform (p. 87)

Gino Scaccia

The Italian constitutional reform advocated by the Renzi government significantly increases State legislative powers, removes the shared jurisdiction among State and Regions in certain fields, maintains Regions’ residual competence and specifically identifies regional powers. Apparently, the reform aims to simplify the distribution of legislative powers between State and Regions and reduces the potential for conflict. In reality, it introduces new types of legislative jurisdiction, which are likely to be the source of controversial interpretation and legal disputes. That is particularly the case for the so-called “general and common provisions”, the rules of principle concerning associations of municipalities, the “supremacy clause” provided for in Art. 117, par. 4, Const., which entitles state to occupy spaces reserved to regional competence whenever the Cabinet requires it to ensure economic and legal unity or safeguard the national interest. After analysing these new legislative powers, the author argues that the constitutional guarantee of regional autonomy seems to be based on a weak political guarantee, since the State can easily modify to its advantage the distribution of competences with Regions. As a result, the principle of loyal cooperation between State and Regions appears to have been replaced by the principle of hierarchy.

Central Government and Regional Governments in Spain... Do They Work Together? (p. 117)

María Jesús García Morales

Cooperation is a fundamental element in the State of Autonomies, as in any politically decentralised system. In a comparative overview, Spain is one of the countries where cooperation is most regulated by law. How-

ever, this regulation has not always fostered good use of cooperative instruments. Three levels are analysed in this work: the vertical dimension, the horizontal dimension and the European dimension of cooperative relations, in terms of both rules and implementation of rules, which enables the author to conclude that, in the Spanish system, the regulation of cooperation has often brought about legal changes and expectations for change, but not genuine changes in the practice of cooperation nor a better use of existing instruments. New Law 40/2015, of 1 October, on the Legal Regime of the Public Sector, is presently the last link in the process of regulating bodies of intergovernmental cooperation. While it contains some developments, with its entry into force in October 2016, shortcomings in cooperation in Spain are unlikely to be supplemented ex lege.

The “New” System for Executing the Spanish Constitutional Court’s Decisions (p. 163)

Marcos Almeida Cerredá

This article focuses on the changes that the Organic Law 15/2015, of October 16th, introduces to the Organic Law 2/1979, of October 3rd, as regards the Constitutional Court and the execution of the Spanish Constitutional Court’s decisions. Specifically, among other questions, the article analyzes the need and the opportunity of the new regulation, the establishment of the supplementary application of the Contentious-Administrative Jurisdiction Law, the reinforcement of interim protection, and the modification of the catalogue of enforcement measures.

Notes and Comments

Taxes and Local Authorities: An Incomplete Journey (p. 191)

Guglielmo Bernabei

Starting with an examination of the historical and conceptual notion of local autonomy and the analysis of the profiles of financial autonomy inherent in Title V of the Italian Constitution, the study aims to examine local property tax, retracing its evolution from ICI to IMU to the introduction of TASI. Focusing on the fundamental aspects of IMU-TASI legislation, the study underlines, within the current institutional frame-

work of local government, the difficulties of shaping a tax according to the Service Tax model. The impression, therefore, is that the current legal and institutional context of local government requires further significant revision, in order to ensure that the local authorities' fiscal autonomy can reach an adequate level of functionality and effectiveness. The local tax structure highlights the lack of a coherent plan for local finance in accordance with strictly autonomist rules, as well as the fact that we are witnessing an implementation of "tax federalism" that further weakens local authorities.

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**The Reorganization of Urban Waste Management in Optimal Areas.
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**Coordination and Integration Techniques: The Case of University
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