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**LOCAL AUTHORITIES AFTER THE  
ECONOMIC CRISIS: A COMPARISON  
BETWEEN ITALY AND SPAIN**

**(LE AUTONOMIE LOCALI  
DOPO LA CRISI ECONOMICA:  
ITALIA E SPAGNA A CONFRONTO)**

**ABSTRACT**

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The economic crisis started in 2008 pushed the European Union to adopt some important provisions of law such as the European Financial Stability Facility, the European Stability Mechanism and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, bounding the member States to modify their Constitutions in order to guarantee their budgets to be in balance.

The Italian Government, because of the dangerous attack by the financial markets on the Italian Treasury Bonds, received an absolutely unusual letter by the European Central Bank where it was suggested to strengthen the control systems on debts and outgoings of the local authorities, more than the abolition or the fusion of the provinces.

Therefore, beside the financial measures of the Decree-Laws n. 112/2008, n. 78/2010 and n. 98/2011, in the same or in other ones we can find many innovations concerning the institutional framework of the local authorities, such as the Decree-Laws n. 201/2011, n. 95/2012 and n. 174/2012 or the Constitutional Law n. 1/2012 and the Law n. 234/2012 about the balanced budget principle.

A similar phenomenon characterized also a country which has many elements in common with Italy, considering a social, economic and institutional point of view: so, beside the financial measures of the Royal Decree-Law n. 8/2010, we notice the reform of the art. 135 of the Spanish Constitution, the *Ley orgánica* n. 2/2012 and the Law n. 27/2013 that changes the regulations about local authorities.

These analogies between the two countries persuaded us to analyze critically the various legislative provisions adopted during the economic crisis in order to notice that in both countries the Government and the Parliament have introduced measures not strictly narrowed to guarantee the balanced budget

principle: indeed, the period that seems to be arrived at the end risks to put in crisis the guarantee of local autonomy recognized in the Italian and Spanish Constitution.

The analysis involves three different areas: the first one concerns the institutional profiles of the local authorities and the regulations of their government bodies; the second one deals with the regulations of administrative functions and their exercising; the last one concerns the innovations about the external controls on the local levels.

In the last part of the work we tried to point out the juridical, political and institutional reasons that allowed the adoption of similar penalizing provisions for the local self-government and if there are limits to the legislative power about the regulations of the local authorities both within the Constitutions and in the jurisprudence of the Constitutional Courts and from the european intitutions (Council of Europe and European Union).

On the whole, we think that the institutional impact of the economic crisis on local authorities in Italy and Spain has been excessively strong, leaving deep and permanent changes in the configuration of the local autonomy, even after the end of the crisis, with long lasting consequences that seem to be almost irreversible.