

ABSTRACT

The Constitution, in article 123, last comma, as reformed in 2001 by the *legge costituzionale* n. 3, provides a new regional body: the *Consiglio delle autonomie locali* (CAL).

The CAL is the highest result of an emancipation process carried by the local authorities in order to obtain a real participation into regional decision making procedures. But, a constitutional provision may occur in a limitation of that process rather than a base for further development.

As a consequence, there is a double challenge for both local and regional authorities. The former ones need to try and get the best implementation of the new regional body in order to acquire more relevance; the latter ones have to acknowledge the new role given to them by the reformed Constitution in order to achieve an integrated system of local government.

A comparative point of view can be useful to approach the different ways in which such a challenge has been faced.

The Constitution requires that the Regions need to regulate the CAL by their own *statuto*. The *legge regionale* is limited to the implementation of what provided by the *statuto*.

The CAL composition tries to represent the institutional assets of local government directly by law nomination or indirectly by elections.

Article 123, last comma, sets a compulsory configuration of the CAL as it must act, at least, as an advisory body.

As a consequence, in every regional law, the CAL can provide mandatory advices, on acts relative to local interests, or even optional ones, on request by regional bodies. There's no prevision of binding advices as they seem to not be allowed by Constitution, at least in relation to the legislative function. If the *Consiglio Regionale* or the *Giunta* doesn't want to consider the advice, they need to acquire a greater majority or to give an explicit motivation.

The CAL can also make proposals, legislative or even free ones on whatever it consider useful for local interest.

As for the *Conferenze per le autonomie locali*, bodies provided by regional law in order to allow cooperation between regional and local authorities, even the CAL can carry out such a role. Sometimes the CAL and the *Conferenza* have to work together because the latter is still effective.

Some nominations of regional relevancy are assigned to the CAL, e.g. for the *Consulta statutaria* or for the regional control section of the *Corte dei Conti*.

Moreover, the CAL has to monitor the regional policies about local government and the implementation of subsidiarity producing every year a report.