**APPENDIX - Oblique-change Matters. ‘Bradyseismic’ Institutional Change in Local Government**

Tables A1 and A2 list in details the main provisions taken into account to assess the LG institutional change in the two periods (Before- and After-2012) around our turning point. Among the total 74 provisions selected, national laws and legislative decrees are almost the entirety. We are aware that the legal production provided is not exhaustive. The choice to select only the main relevant provisions (and certain types of them) among the many possible was however deliberate. First, because Court judgements, Ministerial directives, organizational decrees that often affect LG - mainly as oblique-provisions - are too many and risk, if listed and discussed, to blur the overall picture. Second because this following-provisions are anyway triggered by the main provisions listed: each reported record has in fact produced a number of consequent regulations, sentences or directives.

Table A1. List of selected provisions for the Before-2012 period. Main content and normative reference.

|  |  |
| --- | --- |
| *Content of Provisions*  | *Normative Reference*  |
| 1. Ban for political parties’ share in local health system managing boards (1992)
2. Increased regional governance autonomy (2001-2003)
 | Dlgs 502/1992Constitutional reform L.3/2001, L.131/2003 |
| 1. Stability pact on balance budget extended to regions and municipalities (1999)
2. Increased fiscal and expenditure autonomy (2001-2003)
3. Shared financial autonomy (both transfers and self-financing) (2001-2003)
4. Ban for LG to borrow by financial derivatives (2006-2007)
 | L.448/1998 (Annual budget law for 1999)Constitutional reform; L.131/2003Dlgs 59/1997 Administrative Federalism (Bassanini I)L.296/2006; L.24/2007 |
| 1. Direct election of mayors, provinces’ president (1993), and regional presidents (1999)
 | L.81/1993; Constitutional Law L.1/1999 |
| 1. Concurrent law-making power on several policy areas (2001-2003)
2. Adaptation to EU rules of Local Public Services’ norms (2009)
 | Abolition art.23bis L.133/2008; art.54 TU 152/2006, L. Dlgs. 135/2009 |
| 1. Prefectures turned into centralized territorial coordination units (UTG) (1999, 2004)
2. Permanent State-LG Conference coordinated by Prefects (2006)
3. State/Region Landscape regulation with LG involvement (2004)
 | Dlgs 300/1999; Dlgs 29/2004DPR 180/2006Dlgs. 42/2004 |
| 1. Performance assessment (since 1990)
 | L.142/1990; Dlgs 286/1997; TU 267/2000 |
| 1. Additional rules for LG accounting and planning (2006)
2. State property federalism (2010)
3. Municipal standard costs (fiscal federalism) (2010)
4. Harmonization of LG and regional ICT-accounting systems, balance and planning (fiscal federalism) (2011)
 | Dlgs 170/2006Dlgs. 85/2010Dlgs. 216/2010Dlgs 118/2011 |
| 1. Autonomous recruitment of top level managers/civil servants & personnel hiring powers (1993)
2. Introduction of mayor-appointed municipal clerks (1997)
3. Standardized general rules for Public Employment (2001)
4. State/municipalities shared professional register for municipal clerks (replacing mayorally directly-appointed top managers) (2010)
5. Ombudsman’s abolition (2010)
 | Dlgs 29/1993L.127/1997TU 165/2001L.122/2010L.191/2009 (Annual budget law for 2010) |
| 1. IGR institution of Unified and State/municipalities permanent conferences (1997)
2. Municipal implementation of PA Digital Code (2005)
 | Dlgs 281/1997; Dlgs 59/1997Dlgs 82/2005 |
| 1. Central supervision on performance assessment (2010)
 | L.15/2009 (Brunetta) |
| 1. Negotiated economic development planning: Territorial Agreements &Pacts (1997)
2. Project financing on specific policies (1998)
3. Social areas planning: LG-National Health Agencies cooperation (2000)
4. Reinforcement of the outsourcing tool (2001)
 | L.662/1996 L.415/1998 (Merloni-ter)L.328/2000L.448/2001 |
| 1. Range of self-taxation on real estate (1992)
2. Central cutbacks (selected & across-the-board) (since 2008)
3. Fiscal constraints for municipalities (since 2008)
4. Abolition on municipal self-taxation on real estate (2008)
 | Dlgs 504/1992L. 296/2006; L. 244/2007 L. 296/2006; L. 244/2007 L.126/2008 |
| 1. Water management &delivery and sanitation services; waste collection &disposal; local public transports (1994-1999)
2. Power to create Private companies owned by municipalities (corporatization till 100%) and to create PPP for managing and delivering public services (2000)
3. Reshaping of Optimal territorial districts (ATOs) for water and waste management & delivery (2006)
4. Compulsory joint management (CJM) of munic. tasks for small-sized municip. (2010)
5. Regulation on accounting and ownership of PPP (2011)
6. Abolition of ATOs and re-allocation of their functions (since 2011)
 | L.36/1994 (Galli); D.Lgs, 22/1997 (Ronchi); /D.Lgs 42/1999 (Burlando)TU 267/2000 Dlgs 152/2006L.122/2010L.42/2010Dlgs 118/2011 |
| 38. Central supervision on local expenditure (since 2008) | L. 296/2006 (Annual budget law for 2007);L. 244/2007 (Annual budget law for 2008) |
| 1. Weakening of party patronage (since 1992, mostly with NHS’s reform)
2. Reinforcement of executive leadership (both local and regional) (since 1993)
 | Dlgs 502/1992 L.81/1993 |
| 1. Municipal autonomy empowering mayor political influence at national level (1990s)
2. Political parties’ weakening (since 1993)
 | L.81/1993; L.56/1997L.81/1993; Const.L.1/1999 |

Source: Authors’ compilation from parliamentary sources.

Table A2. List of selected provisions for the After-2012 period. Main content and normative reference.

|  |  |
| --- | --- |
| *Content of Provisions*  | *Normative Reference* |
| 1. Shrinking of provinces’ room of manoeuvre (2014)
2. Abolition of CJM for municipalities (2019)
 | L.56/2014 (Delrio)Const. Court Sentence 33/2019 |
| 1. Definitive abolition for LG to employ financial derivatives (2013)
2. Hollowing out of provinces’ competences (financial aspects) (2014)
3. Extension of Internal Stability Pact to all local authorities (2013-2016)
 | L.147/2013L.56/2014 L.228/2012; L.228/2015 (Stability Laws) |
| 1. Indirect election mechanism for provinces (2014)
2. Indirect election of the provincial executives (2014)
3. Indirect election of representative assemblies of metropolitan cities (2014)
4. Implementation of Metropolitan Cities (2014)
 | L.56/2014 |
| 1. Reallocation of legal competences between regions and local authorities (2014)
 | L.56/2014 |
| 1. Incentives, limits and restrictions for IMC and amalgamations (since 2012)
2. Regional rationalization of health districts (2012)
3. Limitation to municipal control; increased corporatization (2015)
 | L.135/2012d.l. 158/2012 (Balduzzi)L.124/2015 (Madia) |
| 1. Strengthening of ICT-accounting systems (2014)
2. Limit to hiring in PA bound to financial sustainability (2016-2019)
 | Dlgs 126/2014 (fiscal federalism)L.232/2016; L.160/2019 |
| 1. Personnel transfer among local levels (2012)
2. Reallocation and reduction of municipal and provincial personnel (2014)
3. Additional General Rules for Public Employment (2015-2017)
4. Additional rules for HR (2019)
 | L.183/2011(Stability Law for 2012)L.56/2014; L. 190/2014 (Stability Law for 2015)Dlgs 81/2015; Dlgs 75/2017L.26/2019; L.56/2019 |
| 1. Central supervision on performance with judicial powers (2012-2014)
2. Rationalization of municipal corporation (2016)
 | L.190/2012; L.114/2014Dlgs 175/2016; Dlgs 100/2017 |
| 1. Reallocation of provincial administrative functions/tasks (2014)
 | L.56/2014 |
| 1. Joint State-municipalities fiscal drawing on real estate (municipal fiscal federalism)(2012)
 | L.214/2011 (Salva Italia) |
| 1. Geographical reconfiguration of provinces and functional areas (*aree vaste*) (2014)
2. Procurement Code (2016)
 | L.56/2014Dlgs 50/2016 |
| 1. Differentiated regionalism (increased functions allocated to 3 OSRs by State/regions agreements 2018 – in stalemate)
 | 2017 Approval by Region Emilia Romagna Assembly2017 Popular referenda in Veneto and Lombardy;2018-2019: preliminary agreements  |
| 1. Exacerbating central supervision on local expenditure (since 2012)
 | L.135/2012 spending review; L.214/2011 (Salva Italia) |
| 1. Mayors/municipal political class in charge in the provinces as council members
2. Mayors’ political access to national cabinet
3. Increased regional presidents’ personal leadership
4. Deinstitutionalization/politicization of institutional regional-municipal relations
5. Increased representation of institutional local authorities’ interest groups
 | No specific provisions but: - Delayed effects and or symbolic effects of some crucial norms such as the Bassanini Laws, Fiscal Federalism and the 2011 referendum on LPS* Consequences of the austerity norms since 2012 and of the L.56/2014
 |

*Source*: Authors’ compilation from parliamentary sources.

Additional comments:

The legislative path to the Delrio Law 56/2014 started some years before with several provisions such as L. 135/2012, which foresaw to heavily reduce the number of provinces. The following Constitutional Court sentence n.220/2013 blocked this first reform attempt.

In both periods a Constitutional reform (the first in 2006, the second, as said, in 2016) was attempted. Both would have been important SPs for Italian LG. In both cases a popular referendum rejected them.

### A number of additional provisions (among others D.L. 78/2010; D.L. 95/2012; D.L. 101/2013; D.L. 90/2014; L. 208/2015; D.L. 50/2017; D.lgs 75/2017; DL 4/2019; DL 34/2019) regulated the austerity measures on budgetary and employment aspects from 2006 to 2019. All these measures can be gathered under the same umbrella of austerity provisions.

Legal Acronyms:

Dlgs= Legislative Decree

DL= Law Decree

L.= Law

TU= Consolidated Act

Other acronyms:

ATO=Ambiti territoriali ottimali (Optimal Territorial Areas)

CJM= Compulsory Joint management of municipal basic tasks

HR= Human Resources

ICT= Information & Communication Technology

IMC= Inter-municipal cooperation

LPS= Local public services

ORS= Ordinary Status Region

PA= Public Administration

PPP=Public-Private Partnership