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## **The Province in Italy as the Weakest Link in the Multilevel Governance**

**Keywords:** Italy, province, second tier, multilevel government system

**Słowa kluczowe:** Włochy, prowincja, drugi szczebel, wielopoziomowy system władzy

### **Abstract**

Even though the province has been a territorial division unit since the unification of Italy, despite the passing of over 150 years it has not been able to obtain a clear institutional identity. Its existence has been repeatedly questioned with attempts of abolition followed by reactivation. The economic crisis of 2008 brought again into question the legitimacy and efficiency of the functioning of the province. The latter was about to be abolished by means of an unsuccessful constitutional reform, which was rejected in the constitutional referendum of December 4, 2016. Nevertheless, in 2014 Parliament adopted the so-called Delrio Act, which did not eliminate the province, but transformed it into the so-called wide territorial unit (*enti territoriali di area vasta*) together with the newly created metropolitan cities. In Sicily, the provinces were abolished and free consortia were created in their place, while in the Friuli-Venezia Giulia region inter-municipal territorial unions were formed. After the reforms carried out as a result of the economic crisis of 2008, the province became only one of many units of an intermediate level of the state structure and its actual significance was related to the policy of a particular region and assigned functions (regional rescaling). The weakening of the political position of the province is associated with its increasing dependence on the region, the elimination

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of the direct election of its organs, unpaid character of work in provincial bodies and the reduction of financial resources for existing competences.

### Streszczenie

#### **Prowincja we Włoszech jako najsłabsze ogniwo wielopoziomowego sprawowania rządów**

Choć prowincja jest jednostką podziału terytorialnego od zjednoczenia Włoch, to mimo upływu ponad 150 lat nie zdołała uzyskać jednoznacznej tożsamości instytucjonalnej. Podważono jest istnienie wielokrotnie, podejmując próby jej zniesienia a następnie reaktywacji. Kryzys ekonomiczny 2008 roku ponownie poddał pod dyskusję zasadność i efektywność funkcjonowania prowincji wraz z próbą jej likwidacji w drodze nieudanej reformy konstytucyjnej, która została odrzucona w referendum konstytucyjnym z 4 grudnia 2016 r. Parlament uchwalił jednak w 2014 r. tzw. ustawę Delrio, która wprawdzie nie zlikwidowała prowincji, ale przekształciła je w tzw. jednostki terytorialne o szerokim obszarze (*enti territoriali di area vasta*) wraz z nowopowstałymi miastami metropolitalnymi. Na Sycylii zniesiono prowincje a w ich miejsce utworzono wolne konsorcja, a w regionie Friuli-Wenecja Julijska międzygminne unie terytorialne. Po reformach przeprowadzonych w efekcie kryzysu ekonomicznego 2008 r. prowincja stała się jedną z wielu jednostek pośredniego poziomu struktury państwa, a jej faktyczne znaczenie związane było z polityką konkretnego regionu oraz przydzielonymi funkcjami (*regional rescaling*). Osłabienie pozycji ustrojowej prowincji wiąże się z coraz większym jej uzależnieniem od regionu, likwidacją bezpośredniego wyboru jej organów, bezpłatnym sprawowaniem funkcji w organach prowincji oraz zmniejszeniem środków finansowych na jej funkcjonowanie.

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### I.

In result of the constitutional reform from 2001, the territorial structure of Italy has been rebuilt. After many years of discussions, metropolitan cities were created to coexist along with local, provincial and regional government as new autonomous entities with their own statutes, competences and organs (Art. 114 of the Constitution). All units of the administrative division of the

state gained a normative, administrative, statutory and financial autonomy based on the principles of subsidiarity, differentiation and proportionality (Art. 118 of the Constitution).

The aim of the article is to analyze the constitutional position of the province as a unit of a territorial division after the constitutional reform of 2001 and economic crisis from 2008. Although it did survive attempts of its abolition, its importance has been diminished by Delrio Act since 7 April 2014. The act made provinces much more dependent on the regional authorities, abolished direct elections of their organs, made working in their structures voluntary and reduced their budgets. Provinces – from a crucial unit of governance situated between local and regional government became just one of the elements of meso governance. In some regions they even became redundant and in regions such as Sicily and Friuli-Venezia Giulia they were abolished altogether.

In regard to this aim I ask three questions:

1. Did the economic crisis of 2008 and its effects lead to the declassification of the province in a multilevel system of power through the creation of other territorial units?
2. How has the structure and scope of competences of the province changed after 2008?
3. What is the influence of regional authorities on the importance of the province?

The three parts of the article present the following issues: provincial political evolution after the unification of Italy, the impact of the 2008 crisis on the process of reconstruction of the territorial structure of the state and the position of the province – the Delrio Act of 2014 and the draft constitutional reform of 2016 on the abolition of provinces, as well as the analysis of regional laws and their impact on the functioning of the province. The process of change taking place in contemporary Italy can be described as “functional rescaling and the establishment or strengthening of meso-level government, might be expected to change this, creating new spaces for the articulation and mediation of social and economic interest”<sup>2</sup>. The analysis of the presented is-

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<sup>2</sup> M. Keating, *Rescaling the European State. The Making of Territory and the Rise of the Meso*, Oxford 2013, p. 117.

sues was based on the application of the historical-comparative method, analytical-descriptive method and diachronic method.

## II.

It is worth recalling that already during the Roman Empire there were provinces that were then called “conquered territories” (*pro-victae*)<sup>3</sup>. The province as a territorial division unit on the Apennine Peninsula appeared in the period of absolutism as a part of an extensive bureaucratic apparatus<sup>4</sup>. It was considered an artificial structure in relation to the long-existing communes, being a peripheral organ of the government. This resulted in a dualism of territorial organs of government administration and local self-government according to the French and Belgian model from the first half of the 19th century<sup>5</sup>, adopted in Italy after the unification of the state. 58 provinces were established (Rattazzi Act of 23 October 1859 No. 3702)<sup>6</sup>. The state authorities decided top-down about their creation as intermediate units between the state and municipalities. The province was to be created around a larger city in order to gather the surrounding municipalities so that its center could be reached on horseback in one day (rationalist territorial division – Ricasoli Act of 20.03.1865, No. 2248). As Piero Aimo notes, “new unit was to be a municipal association which primary task was to protect them”<sup>7</sup>. The provinces constituted a fair-

<sup>3</sup> G. Palombelli, *L'evoluzione delle circoscrizioni provinciali dall' Unità d' Italia ad oggi*, [http://www.provincia.torino.gov.it/speciali/2012/convegno\\_publico/dwd/circoscrizioni\\_provinciali\\_palombelli\\_25gennaio2012.pdf](http://www.provincia.torino.gov.it/speciali/2012/convegno_publico/dwd/circoscrizioni_provinciali_palombelli_25gennaio2012.pdf), p. 2 (7.03.2020).

<sup>4</sup> P. Bonora, P. Coppola, *L'Italia governata*, [in:] *Geografia politiche delle regioni italiane*, ed. P. Coppola, Torino 1997, p. 429; M. Lorencka, *Włochy*, [in:] *Systemy polityczne wybranych państw basenu Morza Śródziemnego*, eds. M. Myśliwiec, K. Krysiel, Poznań-Chorzów 2011, pp. 82–83.

<sup>5</sup> A. Petracchi, *Le origini dell'ordinamento comunale e provinciale italiano. Storia della legislazione piemontese sugli enti locali dalle fine dell'antico regime al chiudersi dell'età cavuriana (1770–1861)*, vol. I, Venezia 1962, p. 121.

<sup>6</sup> The legal basis were two decrees – Royal Decree No. 3702 of 1859 and Decree No. 2248 of March 20, 1865. on the “administrative unification of the Kingdom of Italy”. P.G. Grasso, *Proposte di autonomie regionale agli inizi dell'unità d'Italia*, “Il Politico” 1994, No. 2, pp. 236–237.

<sup>7</sup> P. Aimo, *Un'istituzione „debole”. L'ente provincia nella seconda metà dell'Ottocento*, [in:] *Le amministrazioni provinciali in Italia. Prospettive generali e vicende venete in età contemporanea*, ed. F. Agostini, Milano 2011, p. 41.

ly large, coherent area of social, political and economic organization of the country, generating “the need to value them as morally autonomous entities and not only as structures of decentralization of state power”<sup>8</sup>. The province’s functions included tasks exceeding the commune’s abilities, such as construction and maintenance of bridges, dams and roads, secondary and technical schools, or mental health care. However, from the very beginning they were not able to fully perform their tasks due to the lack of funds, especially from their own revenues<sup>9</sup>. In 1865, the so-called prefect model, with the prefect as an organ of the central government, who headed the executive power of the province with extensive powers<sup>10</sup>. In 1888, the so-called Crispi reform (Act of 20.12.1888, No. 5865) made changes in the structure of local units. Until now, the Provincial Council was being elected in the relative majority system. The reform introduced the election of a chairman by the Provincial Council who replaced the prefect<sup>11</sup>. A Provincial Administrative Board (Giunta Provinciale Amministrativa) was appointed, consisting of a prefect, two representatives of the Ministry of the Interior and four representatives of the Provincial Council as a controlling body.

Further reforms of territorial division units were undertaken in order to rationalize them. It was a difficult process because, as Giovanni Giolitti emphasized, “everything can be done in Italy without any problem except for changing the borders of territorial units”<sup>12</sup>. Although most provinces were created during the fascism period, it was also the only time in the history of the Kingdom of Italy that the province – the province of Caserta – was abolished. Its liquidation met with a strong resistance from the local elite. According to the centralist concept of the state – in 1923 three provinces were created and in 1927 another 17 new provinces<sup>13</sup>. In 1927, the prefect’s position and

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<sup>8</sup> M.S. Giannini, *Il riassetto dei poteri locali*, “Rivista trimestrale di diritto pubblico” 1971, pp. 454–455.

<sup>9</sup> Ibidem, p. 43.

<sup>10</sup> I. Bokszczyński, *Hybrydyzacja demokracji lokalnej w państwach Europy Południowej (Francia, Hiszpania, Włochy)*, Warsaw 2019, p. 132.

<sup>11</sup> P.L. Ballini, *Le elezioni nella storia d’Italia dall’Unità al fascismo*, Bologna 1988, p. 59.

<sup>12</sup> F. Bonini, *Le Province della Repubblica: l’abolizione mancata*, [in:] *Le amministrazioni provinciali in Italia. Prospettive generali e vicende venete in età contemporanea*, ed. F. Agostini, Milano 2011, pp. 162–163.

<sup>13</sup> Regio decreto legge 2 gennaio 1927, No. 1.

powers were strengthened, and the process of reorganizing the administration in the province continued<sup>14</sup>.

After the Second World War, the Constituent Assembly discussed on the abolition of the province in the context of the socio-structural unit of the local government. However, fears prevailed that “by abolishing the provinces, a new and more invasive form of centralization in the form of regional authority would be favored”<sup>15</sup>. In the 1960s, the number of provinces reached 92 units, including two autonomous provinces – Trento and Bolzano. The emergence of regions in Italy was the largest systemic innovation of post-war Italy<sup>16</sup>, while maintaining the previously adopted model of local administration based on decentralization of power. The second decentralization reform, started in 1975 (Act No. 382 of 1975), expanded the administrative functions of the province. In 1993 a reform of the electoral system for local government bodies was carried out (Act No. 81 / 1993)<sup>17</sup>, which was in force until 2012. The president of the region was, for the first time in history, directly elected by citizens in the absolute majority system in two rounds. The provincial council was elected in a proportional system with a majority bonus. Strengthening provincial authorities contributed to the development of this unit and the creation of further provinces according with Art. 133 of the Constitution, through a state act on the initiative of municipalities and after hearing the region. In 2009, the number of provinces reached 110<sup>18</sup>. This condition was influenced by the third wave of the power decentralization process, started in 1997. In 2001, constitutional reform was adopted, expanding the autonomy of territorial division of powers, including the province<sup>19</sup>. In addition to two-tier territorial self-government – municipalities and provinces and 20 regions, 15 regions

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<sup>14</sup> I. Bokszczyński, *Hybrydyzacja demokracji lokalnej...*, p. 133.

<sup>15</sup> F. Bonini, *Le Province della Repubblica...*, p. 172; Z. Machelski, *System polityczny Włoch*, Warsaw 2010, pp. 169–173.

<sup>16</sup> J. Zakrzewska, *Państwo i regiony we Włoszech*, “Państwo i Prawo” 1972, No. 8–9, p. 178; A. Gaca, Z. Witkowski, *Podstawy ustroju konstytucyjnego Republiki Włoskiej*, Toruń 2012, pp. 136–137.

<sup>17</sup> P. Sabbioni, *Lezioni di diritto pubblico*, Milano 2013, p. 163.

<sup>18</sup> Z. Machelski, *System polityczny Włoch...*, p. 173; M. Cotta, L. Verzhichelli, *Il sistema politico italiano*, Bologna 2008, pp. 200–201.

<sup>19</sup> Z. Machelski, *Struktury terytorialne państwa*, Warsaw 2015, pp. 269–271.

with ordinary statutes and 5 regions with special statutes, it has introduced metropolitan cities (Art. 114 of the Constitution) as new territorial entities, constituted from a dozen or even several hundred municipalities. The relations between these entities were based on the principles of subsidiarity, differentiation, and proportionality (Italian Constitution, Art. 114, Art. 118).

### III.

The amendment to the constitution of 2001 contributed to the dynamic process of adopting new regional statutes and the reorganization of the authorities<sup>20</sup>. The greater scope of competences for the regions and the direct election of the presidents of the regions by voters strengthened their position in the territorial structure of the state<sup>21</sup>. In April 2008, the winning of the parliamentary election by the coalition of center-right S. Berlusconi resulted in a further process of change toward fiscal federalism. However, the outbreak of the financial crisis and its economic, social and political consequences have stopped further actions<sup>22</sup>.

As a result of the economic crisis of 2008, the Italian government was forced to cut spending and seek savings. During this difficult period, previous discussions about too many small and inefficient territorial units and the abolition of provinces returned. Based on Art. 2 (184) of the Budget Act for 2010, the number of members of collective bodies – commune, province or region councils – was reduced by 20% (except for regions with a special statute)<sup>23</sup>. As a result of the deepening financial crisis, further rationalization of funds was necessary, so a decision was made to gradually abolish the province. In 2011, Berlusconi's government considered abolishment of

<sup>20</sup> S. Vassallo, *Sistemi politici comparati*, Bologna 2005, pp. 252–253.

<sup>21</sup> A. Barbera, C. Fusaro, *Corso di diritto costituzionale*, Bologna 2016, pp. 427–428.

<sup>22</sup> L. Morlino, F. Raniolo, *Come la crisi economica cambia la democrazia. Tra insoddisfazione e protesta*, Bologna 2018, pp. 17–23.

<sup>23</sup> Legge finanziaria 191/2009, legge 26 marzo 2010, No. 42 di conversione del decreto-legge 25 gennaio 2010, No. 2, recante: “Interventi urgenti concernenti enti locali e regioni” – Numero dei consiglieri e assessori comunali e provinciali – L'articolo 1, comma 2, della legge No. 42/2010 modifica ed integra l'articolo 2, commi da 183 a 187 della legge No. 191/2009 (legge finanziaria 2010) in materia di contenimento delle spese degli enti locali.



the smallest provinces, but opposition from the Northern League blocked the change<sup>24</sup>. A new technocratic cabinet of Mario Monti was established, which issued the Temporary Legislative Decree No. 201/2011, “Salva Italia” (Salvation of Italy), reducing the competences and financial resources of the province in anticipation of their complete abolition by amending the constitution<sup>25</sup>. Pursuant to the Temporary Legislative No. 95 of July 6, 2012, transformed into Act No. 135 of July 22, 2012 (Art. 18), 10 metropolitan cities were to be built in regions with ordinary statutes in the territorial boundaries of the existing provinces, with the possibility of establishing further regions with a special statute. The deadline for their founding was set for January 1, 2014<sup>26</sup>.

In November 2012, the government prepared another draft Legislative Decree, which further reduced the importance of the province, limiting its competences and abolishing the province’s organs that came from direct elections<sup>27</sup>. The process of changes toward degrading and, consequently, the abolishment of the province was stopped by the Constitutional Court in its rulings from 2011–2013<sup>28</sup>. Pursuant to judgment No. 220/2013, the Court considered the mentioned ordinances to be unconstitutional, since a Temporary Legislative Decree was not the proper legal act to abolish the constitutional units of the territorial division of the state and should be issued in situations of extreme urgency and necessity (Art. 77, para. 2, of the Italian Constitution)<sup>29</sup>.

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<sup>24</sup> S. Bussu, M.T. Galanti, *I governi locali al tempo della crisi*, [in:] *Politica in Italia. I fatti dell’anno e le interpretazioni*, eds. Ch. Hanretta, S. Profeti, Edizione 2015, pp. 158–159.

<sup>25</sup> *Ibidem*, p. 159.

<sup>26</sup> I. Bokszczanin, *Miasta metropolitalne we Włoszech in statu nascendi – próba racjonalizacji systemu samorządu terytorialnego*, [in:] *Miasta, aglomeracje, metropolie w nurcie globalnych przemian*, eds. K. Kuć-Czajkowska, M. Sidor, Lublin 2014, pp. 166–169.

<sup>27</sup> M. Lorencka, *Wpływ kryzysu gospodarczego na funkcjonowanie systemu politycznego Włoch*, [in:] *Wpływ kryzysu gospodarczego na działanie systemu politycznego. Analiza przypadku Grecji, Hiszpanii i Włoch*, eds. T. Kubin, M. Lorencka, M. Myśliwiec, Katowice 2017, pp. 222–227.

<sup>28</sup> P. Santinello, *Il crocevia della Province e la recente giurisprudenza costituzionale*, “Le Regioni” 2017, No. 1–2, pp. 65–66; R. Bin, *Il nodo delle Province*, “Le Regioni” 2012, No. 5–6, pp. 905–907; M. Urbaniak, *Sąd Konstytucyjny w Republice Włoskiej*, Toruń 2019, pp. 210–221.

<sup>29</sup> M. Massa, *Come non si devono riformare le Province*, “Le Regioni” 2013, No. 5–6, pp. 1178–1188; C. Padula, *Quale future per le Province? Riflessioni sui vincoli costituzionali in materia di Province*, “Le Regioni” 2013, No. 2, pp. 367–370.

In the conditions of financial crisis and political instability, successive governments tried to limit financial expenditure on provinces and their tasks, while striving to amend the constitution. An important stage in this process was the adoption of Act No. 56 of April 7, 2014 – “Instructions on metropolitan cities, provinces, associations and mergers of municipalities”, the so-called Delrio Act. It gave the legal basis for the actual establishment of metropolitan cities in regions with ordinary statutes in place of the provinces operating there so far. In regions with a special statute, provinces were also abolished (under regional laws), creating free consortia in Sicily or inter-municipal territorial unions in the Friuli-Venezia Giulia region<sup>30</sup>.

**Table 1. Wide territorial unit (*entiterritoriali di area vasta*, 1/05/2020)**

	Number of territorial units 107
Ordinary provinces	76
Metropolitan cities	14
Free Sicilian consortia	6
4 provinces in Sardinia	4
Provinces for statistical purposes only in the Friuli-Venezi Giulia region	4
Autonomous provinces of Trento and Bolzano in the Trentino-Alto Adige region	2
Ex province in Valle Aosta - for statistical purposes only	1

Source: Data from the Union of the Provinces of Italy (Unione Province d’Italia), <https://www.provinceditalia.it/mappaprovince> (1.02.2020).

<sup>30</sup> O. Spataro, *L’istituzione dei Liberi consorzi di Comuni e delle Città metropolitan in Sicilia, ovvero della specialità vagheggiata*, <http://www.astrid-online.it/static/upload/0506/05062018213328.pdf> (1.03.2020); Regione Autonoma Friuli-Venezia Giulia Legge Regionale 12 dicembre 2014, No. 26 Riordino del sistema Regione-Autonomie locali nel Friuli-Venezia Giulia. Ordinamento delle Unioni territoriali intercomunali e riallocazione di funzioni amministrative, [http://www.astrid-online.it/static/upload/protected/Regi/Regione-FVG-L.r-12\\_12\\_14n26.pdf](http://www.astrid-online.it/static/upload/protected/Regi/Regione-FVG-L.r-12_12_14n26.pdf) (1.03.2020).

Based on the Art. 1, para. 2 and 3 of the Delrio Act, metropolitan cities and other provinces have become wide territorial units (*entiterritoriali di area vasta*). It was to be a temporary solution, pending the reform of Title V, the second part of the Constitution, which would completely eliminate the provinces.

How has the structure of province authorities and the scope of competences changed? The Act of 7 April 2014 (Legge Delrio) significantly restricted the functions of the province and the operation of its organs<sup>31</sup>, subjecting it to the control of the municipality and the region. The president of the province ceased to be elected in general and direct elections. His election for a 4-year period was undertaken by mayors and municipal councillors in the former province. The same happened with the provincial council, elected by the mayors and municipal councillors of the province for 2 years. Importantly, the functions in the province were performed without remuneration. An assembly of mayors was also established, consisting of mayors of municipalities belonging to the province. The estimated cost of savings for the state budget was 110 million EUR<sup>32</sup>. The province's tasks included provincial spatial planning, means of transport and road management in the province, or school construction. However, regional and state authorities were given the opportunity to reorganize the province's tasks.

On April 12, 2016, a draft constitutional law was adopted ("Orders to overcome symmetrical bicameralism, reduce the number of members of parliament, reduce the costs of institutions, abolishment of the National Council for Economy and Labor, and revision of the Title V, Part II, Constitution"<sup>33</sup>). In relation to the territorial structure of the state, the constitutional review primarily involved the abolishment of the province and the changes in the scope of legislative power of the state and the regions. The lack of a qualified majority when adopting the constitutional amendment enabled a constitutional referendum to be held on December 4, 2016. 59.12% of citizens were

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<sup>31</sup> Legge 7 aprile 2014, No. 56 *Disposizioni sulle città' metropolitane, sulle province, sulle unioni e fusioni di comuni*, GU Serie Generale No. 81 del 7.04.2014.

<sup>32</sup> Dossier del governo italiano, [www.governo.it/governoinforma/dossier/legge\\_province](http://www.governo.it/governoinforma/dossier/legge_province) (30.09.2015).

<sup>33</sup> Disegno di legge costituzionale 12 aprile 2016 *Disposizioni per il superamento del bicameralismo paritario, la riduzione del numero dei parlamentari, il contenimento dei costi di funzionamento delle istituzioni, la soppressione del CNEL e la revisione del titolo V della parte II della Costituzione* (Gazz. Uff. No. 88 del 15.04.2016).

against the reform. Although it changed the constitution, the province was saved from abolition, but at the same time it preserved the weakening of its political position according to the Delrio Act.

#### IV.

Based on the Art. 1 clause 89 of the Delrio Act of 2014, the regions and the state assign the province's previous tasks to other entities. They are entitled to reorganize the functions of the province, which are not listed in Art. 1 para. 85. These legal standards have become the basis for the process of regional rescaling and the creation of a non-homogeneous system with high geographical diversity<sup>34</sup>. Delrio Act's goal was a rationalist government policy and the centralization process during the financial crisis. However, adequate financial resources have not been transferred for this purpose, resulting in the need to use financial resources of individual regions and a policy of compromise between regional and municipal authorities. For decades, the deepening process of increasing socioeconomic differences between the northern and southern regions has become even more apparent as a result of the financial crisis of 2008. The Delrio reform abolished such organs as the provincial guild and provincial administration structures. The municipal and regional authorities had to regroup administrative staff.

Some regions such as Lombardy, Veneto Puglia and Campania have applied to the Constitutional Court for a ruling that the provisions of the Delrio Act are unconstitutional. By judgment of No. 50 of 2015, the Constitutional Court rejected the request of the mentioned regions<sup>35</sup>. The process of reorganizing the function of "old provinces" by regional laws has begun. As indicated by the analyses of the laws of individual regions, in 8 out of 15 regions with a regular statute, the up-merging process took place, i.e. the regions took over the tasks of the old provinces, such as agriculture, natural resource manage-

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<sup>34</sup> S. Bolgherini, A. Lippi, S. Maset, *In mezzo al guado. La governance subregionale tra «vecchie» provincie e «nuove» aree vaste*, "Rivista Italiana di Politiche Pubbliche" 2016, No. 3, pp. 341–343.

<sup>35</sup> P. Santinello, *Il crocevia della Province e la recente giurisprudenza costituzionale*, "Le Regioni" 2019, No. 1–2, p. 73.

ment, tourism, the labor market – vocational training or social welfare. However, the province's previous basic tasks, such as the environment, roads, public transport and road construction, and school construction remained in the hands of “new” provinces – 61.5% of previous tasks. Meanwhile, as the 2020 Openpolis Report indicates, each year the central authorities reduced funding for the province's tasks, giving a total of 5 billion EUR. Public transport was particularly underfunded, as cash cuts reached 65% of previous spending<sup>36</sup>. Another effect of the reorganization of the provincial administration after 2014 and the scope of competence was the need to communicate between municipalities and regions in the implementation of tasks. The consequence of these activities was the establishment of one thousand new organizational units to assist municipalities in managing services.

First of all, regions such as Emilia-Romagna, Tuscany, Abruzzo, Puglia and Marche are seeking greater regional centralization and are taking over some of the tasks of the old provinces. One can also see the reverse process, the so-called down-scaling, in which regions delegate tasks to municipalities, e.g. in Tuscany or Umbria. In Piedmont, provinces were even given new tasks. In Calabria, on the other hand, the region took over only issues related to forestry, hunting, fishing, and professional formation. The mentioned actions point to the ongoing process of territorial rescaling, but with a high level of diversity<sup>37</sup>.

## V.

Provinces as second-level territorial divisions became one of the main goals of austerity policy during the 2008 financial crisis and its consequences. The discussion that has been going on in Italy for decades on the legitimacy of the existence and operation of the province has returned. Despite the efforts of the central government, especially in 2011–2016 to abolish the provinces, they failed. Provinces remained, becoming, next to the metropolitan cities, one of so-called wide range territorial units.

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<sup>36</sup> Province, *terra di nessuno. Gli enti intermedi in Italia, tra tagli alle risorse e limbo normativo*, Dossier di Openpolis, [https://www.provincia.pv.it/attachments/article/10244/Province\\_Terra\\_di\\_nessuno.pdf](https://www.provincia.pv.it/attachments/article/10244/Province_Terra_di_nessuno.pdf) (10.05.2020).

<sup>37</sup> S. Bolgherini, A. Lippi, S. Maset, *In mezzo al guado...*, pp. 348–352.

Changes in the structure and scope of competences of the province by the Delrio Act of 2014 weakened the political position of this unit. This process is indicated by such legal solutions as: the inability to choose provincial bodies in direct elections – weakening democracy and legitimacy of the authorities, abolishing the provincial administration, limiting funds for its activities, and implemented tasks. The Delrio reform of 2014 did not bring the expected simplification of territorial structures. It also contributed to the diversity of the introduced changes in territorial reorganization resulting from economic and social differences between the southern and northern regions of Italy.

Some regions with special statutes have decided to close down their provinces or reduce their number. Sicily, Friuli-Veneto Giulia or Sardinia just a few years after the mentioned changes are considering restoring the institution of the province, because its abolition caused chaos in the performance of the previously entrusted tasks.

## Literature

- Bin R., *Il nodo delle Province*, “Le Regioni” 2012, No. 5–6.
- Bokszczanin I., *Hybrydyzacja demokracji lokalnej w państwach Europy Południowej*, Warsaw 2019.
- Bokszczanin I., *Miasta metropolitalne we Włoszech in statu nascendi, – próba racjonalizacji systemu samorządu terytorialnego*, [in:] *Miasta, aglomeracje, metropolie w nurcie globalnych przemian*, eds. K. Kuć-Czajkowska, M. Sidor, Lublin 2014.
- Bolgherini S., Casula M., Marotta M., *Persuing defragmentation at the municipal level: signs of a changing pattern?*, “Modern Italy” 2018, No. 1.
- Bolgherini S., Lippi A., Maset S., *In mezzo al guado. La governance subregionale fra vecchie province e nuove aree vaste*, “Rivista Italiana di Politiche Pubbliche” 2016, No. 3.
- Bonora P., Coppola P., *L'Italia governata*, [in:] *Geografia politiche delle regioni italiane*, ed. P. Coppola, Torino 1997.
- Cosulich M., *Il finanziamento delle Province autonome ai Comuni confinanti, affinché restino tali*, “Le Regioni” 2018, No. 2.
- Keating M., *Rescaling the European State. The Making of Territory and the Rise of the Meso*, Oxford 2013.
- Le amministrazioni provinciali in Itali. Prospettive generali e vicende venete in età contemporanea*, ed. F. Agostini, Milano 2011.

- Lorencka M., *Wpływ kryzysu gospodarczego na funkcjonowanie systemu politycznego Włoch*, [in:] *Wpływ kryzysu gospodarczego na działanie systemu politycznego. Analiza przypadku Grecji, Hiszpanii i Włoch*, eds. T. Kubin, M. Lorencka, M. Myśliwiec, Katowice 2017.
- Machelski Z., *Struktury terytorialne państwa*, Warsaw 2015.
- Machelski Z., *System polityczny Włoch*, Warsaw 2010.
- Massa M., *Come non si devono riformare le Province*, "Le Regioni" 2013, No. 5–6.
- Padula C., *Quale future per le Province? Riflessioni sui vincoli costituzionali in materia di Province*, "Le Regioni" 2013, No. 2.
- Petracchi A., *Le origini dell'ordinamento comunale e provinciale italiano. Storia della legislazione piemontese sugli enti locali dalle fine dell'antico regime al chiudersi dell'età cavuriana (1770- 1861)*, vol. I, Venezia 1962.
- Santinello P., *Il crocevia della Province e la recente giurisprudenza costituzionale*, „Le Regioni” 2017, No. 1–2.
- Urbaniak M., *Sąd konstytucyjny w Republice Włoskiej*, Toruń 2019.
- Witkowski Z., Gaca A., *Podstawy ustroju konstytucyjnego Republiki Włoskiej*, Toruń 2012.
- Witkowski Z., *Ustrój konstytucyjny współczesnych Włoch w aktualnej fazie jego przemian 1989–2004*, Toruń 2004.