



## Financiación autonómica y control de constitucionalidad (algunas reflexiones sobre la STC 13/2007) [

Generalitat de Catalunya: Institut d'Estudis Autonòmics, 2008

text (article)

Analítica

The recently reformed statutes of autonomy have regulated with detail which are the revenue sources of their respective Autonomous Communities. However, in doing it so, the statutes do not have a complete margin of manoeuvre. In fact, according to the Spanish Constitution (article 153.3), the regulation of the exercise of the financial revenues by the Autonomous Communities and of the financial collaboration of the latter with Spanish central government's institutions corresponds to a specific Spanish law: the Organic Law on the Financing of the Autonomous Communities - Ley Orgánica de Financiación de las Comunidades Autónomas, LOFCA). Therefore, one question arises: which norm (statute or LOFCA) prevails in case of conflict. From this perspective, the author analyses a concrete case: that of the conflict between some provisions of the 2007 Andalusian statute and the LOFCA. He starts by pointing out that the 2007 statute of autonomy of Andalusia establishes that central government should grant Andalusia with complementary funds in order to balance Andalusia's historical socio-economical gap. The previous statute also referred to it and, in fact, there were some legislative developments on the issue, together with a ruling by the Constitutional Court (ruling 13/2007). Since this specific financial issue established in the 2007 Andalusian statute is not considered in the LOFCA, the above-mentioned question applies, that is, which norm, the statute or the LOFCA, does prevail. In this sense, firstly the author examines how and to which extent the Constitutional Court can control the ensemble of norms (Constitution, statutes, LOFCA) that allocate the financing powers among the different levels of government. Secondly, he critically analyses how the ruling of the Constitutional Court (13/2007) decides on the apparent contradiction between the statutes and the LOFCA on the subject, and he concludes that the 13 /2007 ruling goes far beyond the literal interpretation of the n

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