



**CONSTITUTIONAL COURT OF THE ITALIAN REPUBLIC**

**CONSTITUTION OF THE ITALIAN REPUBLIC**



EDITED BY THE GENERAL SECRETARIAT

ROME, MAY 2023

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# **CONSTITUTION OF THE ITALIAN REPUBLIC**

## **THE PROVISIONAL HEAD OF THE STATE**

**BY VIRTUE** of the deliberation of the Constituent Assembly, which in the session of December 22 1947 approved the Constitution of the Italian Republic;

**BY VIRTUE** of the XVIII Final Provision of the Constitution;

## **PROMULGATES**

**The Constitution of the Italian Republic in the following text:**

## **FUNDAMENTAL PRINCIPLES**

### **ART. 1**

Italy is a Democratic Republic founded on labour.

Sovereignty belongs to the people, who exercise it in the manner and within the limits provided for by the Constitution.

### **ART. 2**

The Republic acknowledges and guarantees the inviolable rights of man, both as an individual and within the social groups in which one's personality is expressed. The Republic requires that the fundamental duties of political, economic and social solidarity be fulfilled.

### **ART. 3**

All citizens possess equal social dignity and are equal before the law, without distinction of sex, race, language, religion and political orientation, personal and social conditions.

It is the duty of the Republic to remove economic and social obstacles which, by limiting the freedom and equality of citizens, prevent the full development of the natural person and the actual participation of all workers in the political, economic and social organization of the country.

### **ART. 4**

The Republic acknowledges the right of all citizens to work and shall promote conditions which will make this right effective.

Every citizen has the duty, in accordance with their capability and choice, to perform an activity or function that contributes to the material or spiritual progress of society.

## **ART. 5**

The Republic, one and indivisible, acknowledges and promotes local self-governments, and shall implement the greatest degree of administrative decentralization in services which depend on the State; it shall adapt the principles and methods of law-making to the requirements of autonomy and decentralization.

## **ART. 6**

The Republic shall safeguard linguistic minorities by means of special measures.

## **ART. 7**

The State and the Catholic Church are, each within its own sphere, independent and sovereign.

Their relations are governed by the Lateran Pact. Changes to the Pact that are accepted by both parties shall not require a constitutional amendment.

## **ART. 8**

All religious denominations shall enjoy equal freedom before the law.

Religious denominations other than Catholicism have the right to organize themselves in accordance with their own by-laws, provided that these are not in conflict with the Italian legal system.

Their relations with the State shall be regulated by law based on agreements with their respective representatives.

## **ART. 9**

The Republic shall promote the development of culture and of scientific and technical research.

It shall safeguard the natural beauties and the historical and artistic heritage of the Nation.

It shall safeguard the environment, biodiversity and ecosystems, also in the interest of future generations. State law shall regulate the methods and means of safeguarding animals<sup>1</sup>.

#### **ART. 10**

The Italian legal system conforms to the generally acknowledged provisions of international law.

The legal status of foreigners shall be regulated by law in compliance with international provisions and treaties.

Foreigners who, in their own country, are denied the actual exercise of the democratic freedoms guaranteed by the Italian Constitution shall have the right of asylum in the territory of the Italian Republic, in accordance with the conditions set forth by law.

The extradition of a foreigner for political offences shall not be permitted<sup>2</sup>.

#### **ART. 11**

Italy shall repudiate war as an instrument of aggression against the freedom of other peoples and as a means of settling international disputes; it shall consent, on conditions of equality with other States, to sovereignty limitations required for a world order that ensures peace and justice among Nations. Italy shall promote and encourage international organizations furthering such ends.

#### **ART. 12**

The flag of the Republic is the Italian tricolor: green, white and red, in three equal vertical stripes.

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<sup>1</sup> Constitutional Law of 11 February 2022, No. 1, (in *Official Gazette* No. 44 of 22 February 2022), provided, by Art. 1, para 1, for the insertion of two new sentences at the end of the article.

<sup>2</sup> Law of 21 June 1967, No. 1, in *Official Gazette* No. 164, of 3 July 1967, provided, by its sole Article, that the last paragraph of this article does not apply to the crimes of genocide.

## **PART I. RIGHTS AND DUTIES OF CITIZENS**

### **TITLE I. CIVIL RELATIONS**

#### **ART. 13**

Personal liberty shall be inviolable.

No form of detention, inspection or personal search nor any other restriction of personal freedom shall be tolerated, save by a measure for which reasons must be stated issued by a judicial authority, and only in such cases and in the manner provided for by law.

In exceptional cases of necessity and urgency, strictly defined by the law, law enforcement may adopt temporary measures that must be communicated to the judicial authorities within forty-eight hours. Should such measures not be confirmed by the judicial authorities within the following forty-eight hours, they shall be revoked and deemed null and void.

Any act of physical and moral violence against persons subjected to restrictions of personal liberty shall be punished.

The law shall establish the maximum period of preventive detention.

#### **ART. 14**

Personal domicile shall be inviolable.

It shall not be subject to inspections, searches or seizures, save in cases and in the manner set forth by law and in accordance with guarantees prescribed for safeguarding personal liberty.

Checks and inspections for reasons of public health and safety or for economic and taxation purposes shall be regulated by specific laws.

#### **ART. 15**

The freedom and confidentiality of correspondence and of every other form of communication shall be inviolable.



Restrictions thereto may be imposed only by a measure for which reasons must be stated issued by a judicial authority in accordance with guarantees set forth by law.

#### **ART. 16**

Every citizen shall move or reside freely in any part of the national territory, save for such general limitations as may be set forth by law for reasons of health or security. No restrictions may be imposed for political reasons.

Every citizen shall be free to leave and enter the territory of the Republic of Italy, save for obligations set forth by law.

#### **ART. 17**

Citizens shall have the right to peaceful and unarmed assembly.

No prior notice is required for meetings, including those held in places open to the public.

In case of meetings held in public places, prior notice shall be given to the authorities, who may prohibit them only for proven security or public safety reasons.

#### **ART. 18**

Citizens shall have the right to form associations freely, without authorization, for aims that are not forbidden to individuals by criminal law.

Secret associations and associations that, even indirectly, pursue political aims by means of organizations of military character, are prohibited.

#### **ART. 19**

Everyone shall have the right to freely profess their religious beliefs in any form, individually or in association, to promote them and to worship in private or public, provided that the religious rites are not contrary to public decency.

## **ART. 20**

No special legislative limitation or tax burden shall be imposed on the establishment, legal capacity or activities of any association or institution on the ground of its ecclesiastical nature or its religious or worship scope.

## **ART. 21**

Everyone has the right to freely express their ideas through speech, in writing and by any other means of communication.

The press shall not be subjected to authorization or censorship.

Seizure shall be permitted only by a measure for which reasons must be stated issued by the judicial authority, in the case of offences for which the law governing the press grants express authorisation, or in the case of violation of its provisions concerning the disclosure of the identity of those responsible for such offences.

In such cases, when it is a matter of extreme urgency and when prompt intervention of the judicial authority is not possible, periodical publications may be seized by officers of the judicial police, who shall immediately, and in any case within twenty-four hours, report the matter to the judicial authority. If the latter does not confirm the seizure order within the following twenty-four hours, the seizure shall be deemed to be withdrawn and null and void.

The law may introduce general provisions for the disclosure of the financial sources of the periodical publications.

Printed publications, public performances and any other events contrary to public decency are forbidden. The law shall provide for appropriate measures for the prevention and repression of all violations.

## **ART. 22**

No person shall be deprived of legal capacity, citizenship or name for political reasons.

## **ART. 23**

No obligations of a personal or a financial nature may be imposed on any person except by law.

## **ART. 24**

All persons may take legal action to protect their individual rights and legitimate interests.

The right to defense shall be inviolable at every stage and instance of legal proceedings.

The indigent shall be assured, by appropriate measures, the means for legal action and defense in all courts.

The conditions and means of redress for judicial errors shall be determined by law.

## **ART. 25**

No one's case shall be removed from the jurisdiction of the defendant's natural court set forth previously by law.

No one shall be punished save on the basis of a law which was in force at the time the offence was committed.

No one shall be subjected to restrictive measures save in such cases as provided for by law.

## **ART. 26**

Extradition of a citizen may be permitted only in such cases as are expressly provided for in international conventions.

It shall in no wise be permitted for an offence of a political nature<sup>3</sup>.

## **ART. 27**

Criminal responsibility is personal.

The defendant shall not be considered guilty until the final sentence has been passed.

Punishment may not consist of inhuman treatment and must aim at the rehabilitation of the convicted person.

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<sup>3</sup> Constitutional Law of 21 June 1967, No. 1, in *Official Gazette* No. 164, of 3 July 1967, provided, by its sole Article, that the last paragraph of this article does not apply to the crimes of genocide.

The death penalty shall not be permitted<sup>4</sup>.

#### **ART. 28**

Officials and employees of the State and public bodies shall be held directly liable, under criminal, civil and administrative law, for acts performed in violation of rights. In such cases, civil liability shall extend to the State and public bodies.

### **TITLE II. ETHICAL AND SOCIAL RELATIONS**

#### **ART. 29**

The Republic acknowledges the rights of the family as a natural institution founded on marriage.

Marriage is based on the moral and legal equality of the spouses within the limits set forth by law to guarantee the unity of the family.

#### **ART. 30**

It shall be the duty and right of parents to support, educate and raise their children, even if born out of wedlock.

Should the parents be unable to, the law shall provide for the fulfilment of their duties.

The law shall ensure that children born out of wedlock receive every form of legal and social protection consistent with the rights of the members of the legitimate family.

The law shall lay down the provisions and limitations for ascertaining paternity.

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<sup>4</sup> Constitutional Law of 3 October 2007, No. 1, in *Official Gazette* No. 236, of 10 October 2007, provided, by Art. 1, para. 1, for the amendment of Art. 27, para. 4.

### **ART. 31**

The Republic shall, through economic measures and other benefits, encourage the creation of families and the fulfilment of corresponding duties, with special regard to large families.

The Republic shall protect mothers, children and the young, favoring the institutions that are necessary to that end.

### **ART. 32**

The Republic shall safeguard health as a fundamental right of the individual and as a social interest and shall guarantee free medical care to the indigent.

No one shall be forced to undergo medical treatment unless provided for by law. In no case shall the law violate the limits imposed by respect for the natural person.

### **ART. 33**

The arts and sciences are free, as shall be their teaching.

The Republic shall lay down general provisions for education and shall establish state schools for all levels and grades.

Public and private bodies shall have the right to establish schools and educational institutions at no cost to the State.

The law, in establishing the rights and obligations for non-state schools requesting equal status with state schools, shall ensure that they enjoy full liberty and offer their pupils educational conditions equivalent to those afforded to pupils in state schools.

A state examination is prescribed for admission to and graduation from the various school levels and grades and to qualify for a profession.

Institutions of higher learning, universities and academies, shall have the right to adopt autonomous by-laws within the limits set forth by the laws of the State.

### **ART. 34**

School shall be open to everyone.

Primary education, which is provided for at least eight years, shall be compulsory and free.

The able and the deserving, including those without adequate financial resources, shall have the right to attain the highest levels of education.

The Republic shall make this right effective by means of grants and scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations.

### **TITLE III. ECONOMIC RELATIONS**

#### **ART. 35**

The Republic shall protect labour in all its forms and practices.

It shall provide for the training and advancement of workers.

It shall promote and encourage accords and international organizations whose aim it is to establish and regulate labour rights.

It shall acknowledge the freedom to emigrate, save for the obligations set out by law in the general interest, and shall safeguard Italian workers abroad.

#### **ART. 36**

Workers have the right to a remuneration proportional to the quantity and quality of their work and, in any case, sufficient to ensuring them and their families a free and dignified existence.

The law shall establish the maximum daily working hours.

Workers shall have the right to a weekly rest day and paid annual holidays, which they cannot waive.

#### **ART. 37**

Working women shall have the same rights and, the work being equal, the same remuneration as working men. Working conditions must allow women to

fulfil their essential role in the family and ensure specific appropriate protection for the mother and child.

The law shall establish the minimum age for paid work.

The Republic shall safeguard juvenile labour by means of specific measures and shall guarantee them, the work being equal, the right to equal pay.

### **ART. 38**

Every citizen unable to work and lacking the necessary means of subsistence shall have the right to maintenance and social support.

Workers shall have the right to envisaged and assured adequate means for their subsistence needs in the event of an accident, illness, disability, old age and involuntary unemployment.

The unfit and disabled shall have the right to education and vocational training.

The duties set forth in this article shall be performed by bodies and institutions established or supported by the State.

Private healthcare shall have the right to operate freely.

### **ART. 39**

Trade unions shall have the right to organize themselves freely.

No obligations shall be imposed on trade unions other than registration at local or central offices, according to the provisions of law.

A condition for registration of trade unions is that their by-laws set forth their internal organization on a democratic basis.

Registered trade unions have legal status. They may, through a unified representation proportional to their membership, enter into collective labour contracts which shall be mandatory for all persons belonging to the industry referred to in the contract.

### **ART. 40**

The right to strike shall be exercised in compliance with the law.

#### **ART. 41**

Private economic enterprise shall have the right to operate freely.

It cannot be carried out in conflict with social utility or in such a manner as may harm health, the environment, safety, liberty and human dignity.

The law shall determine appropriate programmes and checks to ensure that public and private economic enterprise activity be directed at and coordinated for social and environmental purposes<sup>5</sup>.

#### **ART. 42**

Property may be public or private. Economic assets belong to the State, to bodies or to private persons.

Private property is acknowledged and guaranteed by the law, which determines the manner by which it may be acquired and enjoyed as well as its limitations so as to ensure its social function and make it accessible to all.

Private property may, in the cases provided for by the law and with provisions for compensation, be expropriated for reasons of general interest.

The law shall establish the regulations and limits of legitimate and testamentary succession and the rights of the State in matters of inheritance.

#### **ART. 43**

For purposes of general utility the law may reserve from the outset or transfer, by means of expropriation and payment of compensation, to the State, public bodies or communities of workers or users, specific enterprises or categories of enterprises related to essential public services, energy sources or monopolistic situations and which are of primary public interest.

#### **ART. 44**

For the purpose of securing the rational capitalization of land and establishing equitable social relationships, the law shall impose obligations on and limitations to the private ownership of land; it sets limitations to the size of

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<sup>5</sup> Constitutional Law of 11 February 2022, No. 1, in *Official Gazette* No. 44, of 22 February 2022, provided, by Article 2, para. 1, letter *a*), for the amendment of Article 41, para. 2; and, by Article 2, para. 1, letter *b*), for the amendment of Article 41, para. 3.



holdings depending on the regions and agricultural areas; it shall promote and impose land reclamation, the conversion of large agricultural estates and the reorganization of crop production units; it assists small and medium-sized holdings.

The law shall make provisions in favour of mountainous areas.

#### **ART. 45**

The Republic acknowledges the social function of co-operation of a mutualistic, non-speculative nature. The law shall promote and favour it through appropriate means and, through suitable checks, ensures its character and scope.

The law shall safeguard and promote artisanal work.

#### **ART. 46**

For the economic and social betterment of labour and in accordance with production requirements, the Republic shall acknowledge the rights of workers to take part in the management of companies, in the manner and within the limits set forth by law.

#### **ART. 47**

The Republic shall encourage and safeguard savings in all forms; it shall regulate, co-ordinate and monitor the provision of credit.

It shall promote the investment of private savings in the purchase of housing and of worker-owned farms, as well as direct and indirect investment in the shares in the country's large productive concerns.

## TITLE IV. POLITICAL RELATIONS

### ART. 48

All citizens, male and female, who are of legal age, shall have the right to vote.

Votes shall be personal and equal, free and secret. Voting shall be a civic duty.

The law shall establish the requirements and manner by which citizens residing abroad may exercise their right to vote and shall guarantee its effectiveness. To this end, a Foreign constituency shall be established for elections to the Chambers of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria set forth by law<sup>6</sup>.

The right to vote cannot be restricted save for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as determined by law.

### ART. 49

All citizens shall have the right to associate freely in political parties to contribute to determining national policies through democratic means.

### ART. 50

All citizens shall have the right to present petitions to both Chambers to request legislative measures or to express collective needs.

### ART. 51

All citizens of either sex shall be eligible for public office and for elective positions on equal terms, according to the conditions set forth by law. To this

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<sup>6</sup> Constitutional Law of 17 January 2000, No. 1, in *Official Gazette* No. 15, of 20 January 2000, provided, by Article 2, para. 1, letter a), for the introduction of this new third paragraph.

end, the Republic shall adopt specific measures to promote equal opportunities between women and men<sup>7</sup>.

The law may, for the purposes of access to public offices and elected positions, recognize Italians who are not resident in the Republic as equal to citizens.

Any person elected to public office shall be entitled to the time needed to perform that function and to retain previously held employment.

#### **ART. 52**

The defense of the Fatherland is the sacred duty of every citizen.

Military service shall be compulsory within the limits and in the manner set forth by law. The fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of their political rights.

The organization of the armed forces shall be based on the democratic spirit of the Republic.

#### **ART. 53**

Every person shall contribute to public expenditure in proportion with their ability to pay.

The taxation system shall be based on a progressive rate.

#### **ART. 54**

All citizens shall have the duty to be loyal to the Republic and to comply with its Constitution and laws.

Citizens who hold public office have the duty to perform their functions with discipline and honor, taking an oath in the cases set forth by law.

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<sup>7</sup> Constitutional Law of 30 May 2003, No. 1, in *Official Gazette* No. 134, of 12 June 2003, provided, by Article 1, para. 1, for the introduction of this latter sentence in the first paragraph.

## **PART II. ORGANIZATION OF THE REPUBLIC**

### **TITLE I. THE PARLIAMENT**

#### **SECTION I. THE CHAMBERS**

##### **ART. 55**

Parliament shall consist of the Chamber of Deputies and the Senate of the Republic.

Parliament shall hold joint session of the members of both Chambers only in the cases set forth in the Constitution.

##### **ART. 56**

The Chamber of Deputies is elected through universal and direct suffrage.

The number of Deputies is four hundred, eight of which are elected in the Overseas Constituency.

All voters who have attained the age of twenty-five on the day of elections are eligible to be Deputies.

The division of seats among the electoral districts, with the exception of the number of seats assigned to the Overseas Constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by three hundred and ninety-two and distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and the highest remainders<sup>8</sup>.

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<sup>8</sup> Constitutional Law of 19 October 2020, No. 1, in *Official Gazette* No. 261, of 21 October 2020, provided, by Article 1, para. 1, letter *a*), the amendment of Article 56, para. 2; by Article 1, para. 1, letter *b*), the amendment of Article 56, para. 4; by Art. 4, para. 1, the amendment of Art. 56, para. 2 and 4.

According to Article 4 of aforementioned Constitutional Law No. 1 of 2020, the amendments to Articles 56 and 57 of the Constitution “shall apply starting from the day Parliament is first dissolved or ends after the entry into force of this Constitutional Law, and in any event no earlier than sixty days after the aforementioned date of entry into force”.

## **ART. 57**

The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the Overseas Constituency.

The number of Senators to be elected is two hundred, four of which are elected in the Overseas Constituency.

No Region may have fewer than three Senators; Molise shall have two, Valle d'Aosta one.

The division of seats among the Regions or the Autonomous Provinces, in accordance with the provisions of the preceding paragraph, is made in proportion to the population of the Regions, as shown by the latest general census of the population, on the basis of whole shares and the highest remainders<sup>9</sup>.

## **ART. 58**

Senators shall be elected by universal and direct ballot by voters who are twenty-five years of age<sup>10</sup>.

Voters who have reached the age of forty are eligible to be elected to the Senate.

## **ART. 59**

Former Presidents of the Republic are Senators by right and for life unless they renounce the office.

The President of the Republic may appoint five citizens, who have honored the Nation through their outstanding achievements in the social, scientific, artistic and literary fields, as Senators for life. The total number of sitting

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<sup>9</sup> Constitutional Law of 19 October 2020, No. 1, in *Official Gazette* No. 261, of 21 October 2020, provided, by Art. 2, para. 1 letter *a*), the amendment of Art. 57, para.2; by Art. 2, para. 1 letter *b*), the amendment of Art. 57, para.3; by Art. 2, para. 1, letter *c*), the amendment of Art. 57, para. 4; by Art. 4, para 1, for the amendment of Art. 57, para. 2, 3 and 4.

For the temporal application of the amended version of Art. 57, see *supra*, NOTE 8.

<sup>10</sup> Constitutional Law of 18 October 2021, No. 1, in *Official Gazette* No. 251, of 20 October 2020, provided, by Art. 1, para. 1, for the amendment of this paragraph.

Senators appointed by the President of the Republic may not, under any circumstances, be greater than five<sup>11</sup>.

#### **ART. 60**

The Chamber of Deputies and the Senate of the Republic shall be elected for five years.

The term for each Chamber cannot be extended, except by law and only in the event of war<sup>12</sup>.

#### **ART. 61**

Elections for the new Chambers take place within seventy days from the end of the term of the previous Chambers. The first sitting must be held no later than twenty days after the elections.

Until such time as the new Chambers meet, the powers of the previous Chambers shall be extended.

#### **ART. 62**

The Chambers shall be summoned by right on the first working day of February and October.

Each Chamber may be summoned in extraordinary session on the initiative of its President or the President of the Republic or a third of its members.

When one Chamber is summoned in extraordinary session, the other Chamber is summoned by right.

#### **ART. 63**

Each Chamber shall elect, from among its members, its Chair and its Chair's Office.

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<sup>11</sup> Constitutional Law of 19 October 2020, No. 1, in *Official Gazette* No. 261, of 21 October 2020, provided, by Art. 3, para. 1, the amendment of Art. 59, para. 2.

<sup>12</sup> Constitutional Law of 9 February 1963, No. 2, in *Official Gazette* No. 40, of 12 February 1963, provided, by Art. 3 and 5, for the amendments to this article, establishing that they shall enter into force with the first convocation of the election committees following its publication in the *Official Gazette* of the Italian Republic.

When Parliament meets in joint session, the Chair and the Chair's Office are those of the Chamber of Deputies.

#### **ART. 64**

Each Chamber adopts its own Provisions by a majority vote of its members.

The sittings are public; however, each of the Chambers and Parliament in joint session may decide to convene a closed session.

The decisions of each Chamber and of Parliament are not valid if the majority of the members is not present, and if they are not passed by a majority vote of those present, unless the Constitution prescribes a special majority.

Members of the Government, even when not members of the Chambers, have the right, and, when summoned, the obligation to attend the sittings. They shall be heard whenever they so request.

#### **ART. 65**

The law shall determine the cases of ineligibility and incompatibility with the office of Deputy or Senator.

No one may be a member of both Chambers at the same time.

#### **ART. 66**

Each Chamber shall verify the credentials of its members and the supervening reasons of ineligibility and incompatibility that may arise at a later stage.

#### **ART. 67**

Each Member of Parliament shall represent the Nation and carry out their duties without a binding mandate.

#### **ART. 68**

Members of Parliament shall not be called to answer for opinions expressed or votes cast in the exercise of their function.

No member of Parliament shall be subjected to personal or home search, nor may they be arrested or otherwise deprived of their personal freedom, nor held in detention, without the authorization of their respective Chamber, save in the enforcement of a final court sentence, or when the Member is apprehended in the act of committing an offence for which calls for arrest *flagrante delicto*.

The same authorization shall be required for Members of Parliament to be subjected to any form of interception of their conversations or communication and in order to seize their correspondence<sup>13</sup>.

#### **ART. 69**

Members of Parliament shall receive an allowance set forth by law.

### **SECTION II. THE LEGISLATIVE PROCESS.**

#### **ART. 70**

The legislative function shall be exercised jointly by the two Chambers.

#### **ART. 71**

Legislative initiative shall belong to the Government, to each Member of Parliament and to those entities and bodies on which it is conferred by constitutional law.

The people may initiate legislation by proposing a bill drafted in articles and signed by at least fifty thousand voters.

#### **ART. 72**

Every bill submitted to one of the Chambers shall, in accordance with its Provisions, be examined by a Committee and then by the Chamber itself, which shall approve it article by article and with a final vote.

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<sup>13</sup> Constitutional Law of 29 October 1993, No. 3, in *Official Gazette* No. 256, of 30 October 1993, provided, by Art. 1, para. 1, for the amendments to this article.



The Provisions shall establish an abbreviated procedure for bills declared as urgent.

They may also establish when and how the examination and approval of bills may be devolved to Committees, including Standing Committees, composed in such a way as to reflect the proportion of the Parliamentary Groups. Even in such cases, until the moment it has reached final approval, the bill may be referred back to the Chamber, if the Government or one-tenth of the members of the Chamber or one fifth of the Committee request that it be debated and voted on by the Chamber itself or that it be submitted to the Chamber for final approval, preceded only statements of vote. The Provisions determine the manner in which the proceedings of Committees shall be made public.

The ordinary procedure for consideration and direct approval by the Chamber shall always followed for bills on constitutional and electoral matters and for those delegating legislative power, or for the ratification of international treaties and the approval of budgets and the final balances.

#### **ART. 73**

Laws shall be promulgated by the President of the Republic within one month of their approval.

If the Chambers, each by a majority vote of its members, declare a bill to be urgent, it shall be promulgated within the time set by the bill itself.

Laws shall be published immediately after promulgation and come into force on the fifteenth day following their publication, unless the laws themselves establish a different term.

#### **ART. 74**

The President of the Republic may, before promulgating a law, request a new deliberation by means of a message to the Chambers stating the reasons for such a request.

If the Chambers pass the bill once again, then the law must be promulgated.

## **ART. 75**

A popular referendum shall be held to decide on the total or partial abrogation of a law or an act having force of law, when requested it is by five hundred thousand voters or five Regional Councils.

Referendum shall not be admissible in the case of tax, budget, amnesty and pardon laws, or laws authorizing the ratification of international treaties.

All citizens eligible to vote for the Chamber of Deputies shall have the right to participate in referendum.

The proposal subjected to a referendum shall be approved if the majority of those eligible have participated in the vote and if it has received a majority of valid votes.

The procedures for conducting a referendum shall be established by law.

## **ART. 76**

The exercise of legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes.

## **ART. 77**

The Government may not issue decrees having the force of ordinary law without an enabling act from the Chambers.

When, in extraordinary cases of necessity and urgency, the Government submits, on its own responsibility, provisional measures having the force of law, it must on the same day present said measures to the Chambers for conversion into law which, even if they have been dissolved, shall be expressly summoned for this purpose and shall convene within five days.

The decrees lose effect from their inception if they are not confirmed within sixty days from their publication. The Chambers may however regulate by law legal relationships arising out of not confirmed decrees.

## **ART. 78**

The Chambers shall deliberate upon the state of war and confer the necessary powers on the Government.

## **ART. 79**

Amnesties and pardons shall be granted with a law approved by a two-thirds majority in both Chambers, for each article and in the final vote.

The law granting an amnesty or pardon establishes the term for its implementation.

In no instance shall amnesty and pardon be applied to offences committed following the introduction of the bill in Parliament<sup>14</sup>.

## **ART. 80**

The Chambers shall authorize by law the ratification of international treaties of a political nature, or which call for arbitration or legal settlements, or which entail changes to the national territory or financial burdens or changes to legislation.

## **ART. 81**

The State shall balance the income and expenditure in its budget, taking into account adverse and favorable phases of the economic cycle.

Resorting to borrowing shall be made solely for the purpose of taking into account the effects of the economic cycle or, subject to authorization by the two Chambers approved by a majority vote of their Members, in exceptional circumstances.

Any law involving new or increased expenditure shall provide for the resources to cover such expenditures.

Each year the Chambers shall pass a law approving the budget and the final balances submitted by the Government.

Provisional implementation of the budget shall not be allowed save by specific legislation and only for periods not exceeding four months in total.

The content of the budget law, the fundamental provisions and the criteria adopted to ensure balance between income and expenditure and the sustainability of the entirety of public administration debt shall be established by

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<sup>14</sup> Constitutional Law of 6 March 1992, No. 1, in *Official Gazette* No. 57, of 9 March 1992, provided, by Art. 1, para. 1, for the amendments to this article.

legislation approved by a majority vote of the Members of each Chamber in accordance with the principles established by constitutional law<sup>15</sup>.

#### **ART. 82**

Each Chamber may conduct inquiries on matters of public interest.

To this end, it shall appoint a Committee composed in such a way as to reflect the proportional representation of the Parliamentary Groups. The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.

### **TITLE II. THE PRESIDENT OF THE REPUBLIC**

#### **ART. 83**

The President of the Republic shall be elected by Parliament in joint session of its members.

Three delegates from every Region, elected by the Regional Council, shall take part in the election so as to ensure that minorities are represented. Valle d'Aosta shall be represented by only one delegate.

The election of the President of the Republic shall take place by secret ballot with a two-thirds majority vote of the assembly. After the third ballot a majority vote shall suffice.

#### **ART. 84**

Any citizen who has reached the age of fifty and enjoys civil and political rights may be elected President of the Republic.

The office of President of the Republic is incompatible with any other.

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<sup>15</sup> Constitutional Law of 20 April 2012, No. 1, in *Official Gazette* No. 95, of 23 April 2012, provided, by Art. 1, para. 1, for the amendments to this article, and established, by Art. 6, para. 1, that such modifications shall apply as of the financial year 2014.

Compensation and endowments of the President are established by law.

#### **ART. 85**

The Presidential term shall be seven years.

Thirty days before the term lapses, the Chair of the Chamber of Deputies shall summon a joint session of Parliament and the regional delegates to elect the new President of the Republic.

If the Chambers have been dissolved, or will be dissolved within three months, the election shall take place within fifteen days of the meeting of the new Chambers. In the meantime, the powers of the President in office shall be extended.

#### **ART. 86**

Should the President be unable to perform his duties, they shall be carried out by the President of the Senate.

In the case of permanent impediment or death or resignation of the President of the Republic, the Chair of the Chamber of Deputies shall call an election of a new President of the Republic within fifteen days, unless a longer period be needed because the Chambers have been dissolved or because their term will expire within three months.

#### **ART. 87**

The President of the Republic is the Head of the State and represents the unity of the Nation.

The President may send messages to the Chambers.

The President shall:

call the elections of the new Chambers and set the date of their first meeting;

authorize the submission to the Chambers of bills proposed by the Government;

promulgate the laws and issue decrees having the force of law and the regulations;

call for a popular referendum in the cases provided for by the Constitution;

appoint State officials in the cases provided for by law;

accredit and receive diplomatic representatives, and ratify international treaties which have, where required, been authorized by the Chambers.

The President shall be the commander of the Armed forces, shall preside over the Supreme Defense Council set forth by law, and shall make declarations of war which have been decided by the Chambers.

The President shall preside over the High Council of the Judiciary.

The President may grant pardons and commute punishments.

The President shall confer the honorifics of the Republic.

### **ART. 88**

The President of the Republic, having heard the Chairs of the Chambers, may dissolve Parliament or even only one Chamber.

The President of the Republic may not exercise said right during the last six months of his term in office, unless said period coincides in full or in part with the last six months of term of office of either or both Chambers<sup>16</sup>.

### **ART. 89**

No act of the President of the Republic shall be valid unless it is countersigned by the Ministers who have submitted it, who assume responsibility for it.

Acts having the value of law and such other acts as are set forth by law shall be countersigned also by the President of the Council of Ministers.

### **ART. 90**

The President of the Republic shall not be held responsible for acts carried out in the exercise of their presidential duties, save in the case of high treason or attempts to overthrow the Constitution.

In such cases, the President may be impeached by Parliament in joint session, with a majority vote of its members.

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<sup>16</sup> Constitutional Law of 4 November 1991, No. 1, in *Official Gazette* No. 262, of 8 November 1991, provided, by Art. 1, para. 1, for the amendments of this paragraph.

## **ART. 91**

The President of the Republic, before taking office, shall take an oath of allegiance to the Republic and swear to uphold the Constitution before Parliament in joint session.

## **TITLE III. THE GOVERNMENT**

### **SECTION I. THE COUNCIL OF MINISTERS**

#### **ART. 92**

The Government of the Republic consists of the President of the Council and of the Ministers who jointly constitute the Council of Ministers.

The President of the Republic shall appoint the President of the Council of Ministers and, following their advice, the Ministers.

#### **ART. 93**

The President of the Council of Ministers and the Ministers, before taking office, shall be sworn in by the President of the Republic.

#### **ART. 94**

The Government must have the confidence of both Chambers.

Each Chamber shall grant or withdraw its confidence by a motion for which reasons must be stated, which is voted on by roll call.

Within ten days of its formation the Government shall come before the Chambers to obtain their confidence.

If one or both the Chambers votes against a Government proposal, this shall not force the Government to resign.

A motion of no-confidence must be signed by at least one-tenth of the members of the Chamber and may not be debated earlier than three days after it has been moved.

## **ART. 95**

The President of the Council shall conduct the general policy of the Government and shall be responsible for it. The President of the Council shall ensure the coherence of political and administrative policies, by promoting and coordinating the activities of the Ministers.

Ministers shall be jointly responsible for the acts of the Council of Ministers and are individually responsible for the acts of their own ministries.

The law shall establish the organization of the Presidency of the Council, as well as determining the number, responsibilities and organization of the ministries.

## **ART. 96**

The President of the Council of Ministers and the Ministers, even if they resign from office, are subject to ordinary courts for crimes committed in the exercise of their duties, provided authorization is given by the Senate of the Republic or the Chamber of Deputies, in accordance with the norms set forth by Constitutional Law<sup>17</sup>.

## **SECTION II. PUBLIC ADMINISTRATION**

## **ART. 97**

Public administrative bodies, in accordance with European Union law, shall ensure balanced budgets and the sustainability of public debt<sup>18</sup>.

Public administrative offices shall be organized according to the provisions of law, so as to ensure the efficiency and impartiality of the administration.

The regulations of the offices shall lay down the areas of competence, the duties and the responsibilities of the officials.

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<sup>17</sup> Constitutional Law of 16 January 1989, No. 1, in *Official Gazette* No. 13, of 17 January 1989, provided, by Art. 1, para. 1, for the amendments to this article.

<sup>18</sup> Constitutional Law of 20 April 2012, No. 1, in *Official Gazette* No. 95, of 23 April 2012, provided, by Art. 1, para. 1, for the amendments to this paragraph, and established, by Art. 6, para. 1, that such modifications shall apply as of the financial year 2014.



Appointments in public administration shall be made through competitive examinations, unless otherwise set forth by law.

#### **ART. 98**

Civil servants shall be at the sole service of the Nation.

If they are Members of Parliament, they may not be promoted, save by seniority.

The law may set limitations on the right to register as members of political parties in the case of members of the judiciary, professional members of the Armed forces in active service, law enforcement officers, and foreign diplomatic and consular representatives.

### **SECTION III. AUXILIARY BODIES**

#### **ART. 99**

The National Council for Economics and Labour shall be composed, as set out by law, of experts and representatives of trade categories, in such a manner as to take into account their numerical and qualitative importance.

It shall act as a consulting body to the Chambers and the Government on such matters and for such purposes as pertain to it by law.

It shall have the right to initiate legislation and may contribute to drafting economic and social legislation according to the principles and within the limitations set forth by law.

#### **ART. 100**

The Council of State shall act as a consulting body on legal and administrative matters and monitor the administration of justice.

The Court of Auditors shall exercise both *a priori* compliance auditing on the legitimacy of Government measures, as well as subsequent auditing of the administration of the State Budget. It participates, in the cases and manner set forth by law, in auditing the financial management of the bodies which receive

regular budgetary support from the State. It shall report directly to the Chambers on the results of audits performed.

The law shall ensure the two bodies and their members are independent from the Government.

## **TITLE IV. THE JUDICIARY**

### **SECTION I. THE ORGANIZATION OF THE JUDICIARY**

#### **ART. 101**

Justice shall be administered in the name of the people.

Members of the judiciary shall be subject only to the law.

#### **ART. 102**

The duties of the judiciary shall be carried out by permanent judges empowered and regulated according to the provisions concerning the Judiciary.

No extraordinary or special judge shall be established. Only specialized sections for specific matters may be established within the ordinary judicial branches, and these sections may include qualified citizens who are not members of the Judiciary.

The law shall establish the cases and the manner in which the people may take direct part in the administration of justice.

#### **ART. 103**

The Council of State and the other bodies of administrative justice shall have jurisdiction over lawful claims before the public administration and, in particular matters set forth by law, also over subjective rights.

The Court of Auditors shall have jurisdiction over matters of final public balances and in other matters set forth by law.

In time of war, military tribunals shall have the jurisdiction set forth by law. In times of peace they shall have jurisdiction only for military offences committed by members of the Armed forces.

#### **ART. 104**

The Judiciary is an independent branch of government and shall not be subject to any other.

The High Council of the Judiciary shall be presided over by the President of the Republic.

The first president and the general prosecutor of the Court of Cassation are members by right.

Two thirds of the members are elected by all the permanent judges belonging to the various categories, and one third are elected by Parliament in joint session from among full professors of law and lawyers with fifteen years of practice.

The Council shall elect a vice-president from among those members designated by Parliament.

Elected members of the Council shall hold office for four years and cannot be immediately reelected.

While they are in office they may not be members of a professional register, nor serve in Parliament or on a Regional Council.

#### **ART. 105**

The High Council of the Judiciary, in accordance with the regulations of the Judiciary, shall have the right to appoint, assign, transfer, promote and take disciplinary action against members of the judiciary.

#### **ART. 106**

Members of the judiciary are appointed by means of competitive examinations.

The law on the regulations of the Judiciary may provide for the appointment, even by election, of honorary judges to perform all the functions performed by single judges.

Following a proposal by the High Council of the Judiciary, full professors of law and lawyers with fifteen years of practice and are members of a professional register for higher courts may be appointed as Cassation councilors for outstanding merit.

#### **ART. 107**

Members of the judiciary may not be removed from office. They may not be dismissed or suspended from office or assigned to other courts or functions<sup>19</sup> save by a decision of the High Council of the Judiciary, taken for the reasons and with guarantees for their defense established by the provisions concerning the organization of Judiciary or with their own consent.

The Minister of Justice has the power to initiate disciplinary action.

Members of the judiciary are distinguished only by their different functions.

The public prosecutor shall enjoy the guarantees established in the prosecutor's favour by the provisions concerning the organization of the Judiciary.

#### **ART. 108**

The provisions concerning the organization of the Judiciary and judicial authority shall be set forth by law.

The law shall ensure the independence of judges of special courts, of public prosecutors of those courts and of other persons, not belonging to the judiciary, who may take part in the administration of justice.

#### **ART. 109**

Judicial authorities may directly avail themselves of the judicial police.

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<sup>19</sup> An *Errata Corrige*, published in *Official Gazette* No. 2, of 3 January 1948, clarified that, due to a typographical error, the text "courts or officials" of the first paragraph, published in *Official Gazette* No. 298 of 27 December 1947, should be read as "courts or functions".

## **ART. 110**

Without prejudice to the authority of the High Council of the Judiciary, the organization and performance of services related to the administration of justice shall pertain to the Minister of Justice.

## **SECTION II. PROVISIONS ON JURISDICTION**

### **ART. 111**

Jurisdiction shall be administered through due process regulated by law.

All court trials shall be conducted with cross-examination between the parties, with equal conditions before a third-party neutral judge. The law shall ensure reasonable length of the proceedings.

In criminal trials, the law shall ensure that the accused, in the shortest possible time, be confidentially informed of the nature and reasons for the charges brought against them; have adequate time and means to prepare a defense; have the right to cross-examine those who testify against them before a judge, or to have them cross-examined, to obtain that those who may testify in their favour be summoned and examined under the same conditions granted to the prosecution, as well as the right to produce all other evidence in favour of the defense; have the assistance of an interpreter in the event they do not speak or understand the language which the court proceedings are conducted in.

The hearing of evidence in criminal law proceedings is regulated by the principle of cross-examination. The guilt of the defendant cannot be established on the basis of statements by persons who have, by free choice, always voluntarily avoided undergoing cross-examination by the defendant or the defense counsel.

The law shall determine the cases in which the hearing of evidence does not occur in a cross-examination with the consent of the defendant or owing to reasons of ascertained objective impossibility or proven misdemeanor<sup>20</sup>.

All judicial decisions shall include a statement of reasons.

Appeals to the Court of Cassation shall always be allowed in cases of violations of the law against sentences and against sentences and measures

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<sup>20</sup> Constitutional Law of 23 November 1999, No. 2, in *Official Gazette* No. 300, of 23 December 1999, introduced, by Art. 1, para. 1, the paragraphs from 1 to 5.

concerning personal freedom pronounced by permanent judges and special courts. This provision may only be waived in cases of sentences by military tribunals in time of war.

Appeals to the Court of Cassation against decisions of the Council of State and the Court of Auditors shall only be permitted for reasons of jurisdiction.

#### **ART. 112**

The public prosecutor shall have the obligation to initiate criminal proceedings.

#### **ART. 113**

The judicial safeguarding of rights and legitimate interests before the bodies of ordinary or administrative justice shall always be permitted against decisions of the public administration.

Such judicial protection may not be excluded or limited to special types of appeal or for certain categories of decisions.

The law shall establish which judicial branches may annul decisions taken by the public administration in the cases and with the consequences provided for by the law itself.

### **TITLE V. REGIONS, PROVINCES, MUNICIPALITIES**

#### **ART. 114**

The Republic is composed of Municipalities, Provinces, Metropolitan Cities, Regions and the State.

Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles set forth in the Constitution.

Rome is the capital of the Republic. Its status is regulated by State Law<sup>21</sup>.

#### **ART. 115**

*Repealed*<sup>22</sup>

#### **ART. 116**

Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste shall have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law.

The Trentino-Alto Adige/Südtirol Region is composed of the autonomous provinces of Trent and Bolzano.

Additional special forms and conditions of autonomy, related to the areas specified in art. 117, paragraph three and paragraph two, letter *l*) – limited to the organizational requirements of the Justice of the Peace – and letters *n*) and *s*), may pertain to other Regions by State Law, subject to the initiative of the Region in question, after consultation with the local authorities, in compliance with the principles set forth in art. 119. Said Law has been approved by both Chambers of Parliament with a majority vote of their members, based on an agreement between the State and the Region in question<sup>23</sup>.

#### **ART. 117**

Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations.

The State has exclusive legislative powers in the following subject matters:

a) foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of non-EU citizens;

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<sup>21</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 1, para. 1, for the amendments to this article.

<sup>22</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 1, for the amendments to this article.

<sup>23</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 2, para. 1, for the amendments to this article.

- b) immigration;
- c) relations between the Republic and religious denominations;
- d) defense and Armed forces; State security; armaments, ammunition and explosives;
- e) the currency, safeguarding savings and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; harmonization of final public balances; equalization of financial resources;
- f) state bodies and relevant electoral laws; state referendum; elections to the European Parliament;
- g) legal and administrative organization of the State and of national public agencies;
- h) public order and security, save for local administrative police;
- i) citizenship, civil status and register offices;
- l) jurisdiction and procedural law; civil and criminal law; administrative justice;
- m) determining of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory;
- n) general provisions on education; o) social security;
- p) electoral legislation, governing bodies and fundamental functions of Municipalities, Provinces and Metropolitan Cities;
- q) customs, protection of national borders and international preventative measures;
- r) weights and measures; standard time; statistical and computerized coordination of data in state, regional and local administrations; intellectual property;
- s) protection of the environment, the ecosystem and cultural heritage.

Concurrent legislation applies to the following subject matters: international and EU relations with the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and save for vocational education and training; professions; scientific and technological research and supporting innovation in productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and



supplementary social security; co-ordination of public finance and the taxation system; capitalization of cultural and environmental assets, including the promotion and organization of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the subject matters covered by concurrent legislation legislative powers shall be vested in the Regions, save for the determination of the fundamental principles, which are set forth in State legislation.

The Regions shall have legislative powers in all subject matters that do not expressly pertain to State legislation.

The Regions and the autonomous provinces of Trent and Bolzano shall participate in the preparatory decision-making process of EU legislative acts in the areas that fall within their responsibilities. They shall also be responsible for the implementation of international agreements and EU measures, subject to the procedural provisions set out in State legislation regulating the exercise of subsidiary powers by the State in the event of non-fulfilment by the Regions and autonomous provinces.

Regulatory powers shall be vested in the State with regards to the subject matters of exclusive legislation, subject to any delegations of such powers to the Regions. Regulatory powers shall be vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities shall have regulatory powers as to the organization and implementation of the functions which pertain to them.

Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elective offices for men and women.

Agreements between a Region and other Regions whose goal is to improve the performance of regional functions and that may also envisage the establishment of joint bodies shall be ratified by regional law.

In the areas falling within their responsibilities, Regions may enter into agreements with foreign States and with local authorities of other States in the cases and according to the manner set forth in State legislation<sup>24</sup>.

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<sup>24</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 3, para. 1, for the amendments to this article.

Constitutional Law of 20 April 2012, No. 1, in *Official Gazette* No. 95, of 23 April 2012, established, by Art. 6, para. 1, that amendments to para. 2, letter e) and letter s), relating to public finances, shall apply as of the financial year 2014.

## **ART. 118**

Administrative functions shall pertain to the Municipalities, unless they pertain to the provinces, metropolitan cities and regions or to the State, pursuant to the principles of subsidiarity, differentiation and proportionality, to ensure uniform implementation.

Municipalities, provinces and metropolitan cities carry out administrative functions of their own as well as the functions assigned to them by State or by regional legislation, according to their respective responsibilities.

State legislation shall provide for coordinated action between the State and the Regions in the subject matters as per Article 117, paragraph two, letters *b*) and *h*) and shall also provide for agreements and coordinated action in the field of cultural heritage preservation.

The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, based on the principle of subsidiarity<sup>25</sup>.

## **ART. 119**

Municipalities, provinces, metropolitan cities and regions shall have income and expenditure autonomy, subject to the obligation to balance their budgets, and shall contribute to ensuring compliance with the economic and financial constraints imposed under European Union law.

Municipalities, provinces, metropolitan cities and regions shall have independent financial resources. They shall set and levy taxes and collect income of their own, in compliance with the Constitution and according to the principles of co-ordination of public finance and the tax system. They share in the revenue from State taxes related to their respective territories.

State legislation shall provide for an equalization fund – with no allocation constraints – for the territories having lower per-capita tax-raising capacity.

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<sup>25</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 4, para. 1, for the amendments to this article.

Income raised from the afore-mentioned sources shall enable municipalities, provinces, metropolitan cities and regions to fully finance the public functions which pertain to them.

The State shall allocate supplementary resources and adopt special measures in favour of specific municipalities, provinces, metropolitan cities and regions to promote economic development along with social cohesion and solidarity, to eliminate economic and social imbalances, to promote the exercise of the rights of the person or to achieve goals other than those pursued through the ordinary implementation of their functions.

The Republic recognizes the distinctiveness of its islands and shall promote the necessary measures to eliminate the disadvantages associated with insularity<sup>26</sup>.

Municipalities, provinces, metropolitan cities and regions have their own assets, which are allocated to them pursuant to general principles set forth in State legislation. They may resort to borrowing only as a means of financing investment expenditure, with the concomitant adoption of repayment plans and subject to the condition that budget balance is ensured for all authorities of each region, taken as a whole. State guarantees on loans contracted by such authorities shall not be admissible<sup>27</sup>.

## ART. 120

The Regions may not levy import or export or transit duties between Regions or adopt measures that in any way hinder the freedom of movement of persons or goods between Regions. Regions may not limit the right of citizens to work in any part of the national territory.

The Government may act for bodies of the regions, metropolitan cities, provinces and municipalities if the latter fail to comply with international provisions and treaties or EU legislation, or in the event of grave danger for public safety and security, or whenever such action is necessary to preserve legal or economic unity and especially to guarantee the basic level of benefits relating

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<sup>26</sup> Constitutional Law of 7 November 2022, No. 2, in *Official Gazette* No. 267, of 15 November 2022, provided, by Art. 1, para. 1, for the introduction of this paragraph.

<sup>27</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 5, para. 1, for the amendments to this article.

Constitutional Law of 20 April 2012, No. 1, in *Official Gazette* No. 95, of 23 April 2012, established, by Art. 6, para. 1, that amendments to this article, relating to public finances, shall apply as of the financial year 2014.

to civil and social entitlements, regardless of the geographic borders of local authorities. The law shall lay down the procedures to ensure that subsidiary powers are exercised in compliance with the principles of subsidiarity and of loyal co-operation<sup>28</sup>.

#### **ART. 121**

The organs of the Region shall be: the Regional Council, the Regional Cabinet and its President.

The Regional Council shall exercise the legislative powers granted to the Region as well as the other functions conferred by the Constitution and the laws. It may submit bills to Parliament<sup>29</sup>.

The Regional Cabinet shall be the executive body of the Region.

The President of the Cabinet shall represent the Region; they shall conduct the general policy of the Cabinet and shall be responsible for it, they shall promulgate regional laws and regulations, conduct the administrative functions delegated to the Region by the State, in compliance with the instructions of the Government of the Republic<sup>30</sup>.

#### **ART. 122**

The electoral system and the cases of ineligibility and incompatibility of the President, the other members of the Regional Cabinet and the Regional councilors shall be established by a regional law in accordance with the fundamental principles set forth by a law of the Republic, which also establishes the length of elective offices.

No one shall be a member of a Regional Council or to a Regional Cabinet and of one of the Chambers of Parliament, or another Regional Council, or of the European Parliament, at the same time.

The Council shall elect a President and a Chairman's Office from amongst its members.

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<sup>28</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 6, para. 1, for the amendments to this article.

<sup>29</sup> Constitutional Law of 22 November 1999, No. 1, in *Official Gazette* No. 299, of 22 December 1999, provided, by Art. 1, para. 1, letter *a*), for the amendments to this paragraph.

<sup>30</sup> Constitutional Law of 22 November 1999, No. 1, in *Official Gazette* No. 299, of 22 December 1999, provided, by Art. 1, para. 1, letter *b*), for the amendments to this paragraph.

Regional councilors shall not be called upon to answer for opinions expressed and votes cast in the exercise of their functions.

The President of the Regional Cabinet shall be elected by universal and direct ballot, unless the regional statute establishes otherwise. The elected President shall appoint and dismiss the members of the Cabinet<sup>31</sup>.

### **ART. 123**

Each Region shall have a statute which determines the form of government and fundamental principles of the organization and functioning of the Region, in accordance with the Constitution. The statute shall regulate the right to initiate legislation and promote referendum on the laws and administrative measures of the Region as well as the publication of regional laws and regulations.

Regional statutes shall be adopted and amended by the Regional Council with a law approved by a majority vote of its members, with two subsequent deliberations with an interval between the votes of no less than two months. This law must not be submitted to the Government commissioner. The Government of the Republic may bring a case concerning the constitutional legitimacy of a regional statute before the Constitutional Court within thirty days from its publication.

The statute shall, within three months from its publication, be submitted to a popular referendum if one-fiftieth of the electors of the Region or one-fifth of the members of the Regional Council so request. The statute submitted to referendum shall not be promulgated unless it is approved by the majority of valid votes.

In each Region, statutes shall regulate the activity of the Council of local authorities, acting as a consulting body on relations between the Regions and local authorities<sup>32</sup>.

### **ART. 124**

*Repealed*<sup>33</sup>

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<sup>31</sup> Constitutional Law of 22 November 1999, No. 1, in *Official Gazette* No. 299, of 22 December 1999, provided, by Art. 2, para. 1, for the amendments to this article.

<sup>32</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 7, para. 1, for the insertion of this paragraph.

<sup>33</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 2, for the repeal of this article.

## **ART. 125**

Administrative trial courts shall be established in the Region, in accordance with the provisions set forth by the law of the Republic. Branches may be established in places other than the regional capital<sup>34</sup>.

## **ART. 126**

The Regional Council may be dissolved and the President of the Cabinet may be dismissed by means of a decree of the President of the Republic stating the reasons for it when they have acted against the Constitution or committed serious violations of the law. The dissolution or dismissal may also be decided for reasons of national security. The aforementioned decree is adopted after consultation with a committee of Deputies and Senators for regional affairs formed according to the law of the Republic.

The Regional Council may express its vote of no confidence in the President of the Cabinet by a motion for which reasons must be stated, which shall be undersigned by at least one-fifth of its members and adopted by roll call vote with a majority of members. The motion may not be debated before three days have elapsed since its introduction.

The adoption of a vote of no confidence against a President of the Cabinet elected by universal and direct ballot, and the removal, permanent impediment, death or voluntary resignation of the President of the Cabinet entail the resignation of the Cabinet and the dissolution of the Council. The same effects follow a simultaneous resignation of the majority of Council members<sup>35</sup>.

## **ART. 127**

The Government may, within sixty days from its publication, submit the constitutional legitimacy of a regional law to the Constitutional Court, when it deems that the regional law exceeds the responsibility of the Region.

A Region may, within sixty days from its publication, submit the constitutional legitimacy of a State or regional law or measure having the force of

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<sup>34</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 2, for the repeal of the – former – first paragraph of this article.

<sup>35</sup> Constitutional Law of 22 November 1999, No. 1, in *Official Gazette* No. 299, of 22 December 1999, provided, by Art. 4, para. 1, for the amendments to this article.

law to the Constitutional Court when it deems that said law or measure infringes upon its responsibility<sup>36</sup>.

**ART. 128**

*Repealed*<sup>37</sup>

**ART. 129**

*Repealed*<sup>38</sup>

**ART. 130**

*Repealed*<sup>39</sup>

**ART. 131**

The following Regions shall be instituted: Piedmont; Valle d'Aosta; Lombardy Trentino-Alto Adige; Veneto; Friuli-Venezia Giulia; Liguria; Emilia-Romagna; Tuscany; Umbria; The Marches; Latium; Abruzzi; Molise; Campania; Apulia; Basilicata; Calabria; Sicily; Sardinia<sup>40</sup>.

**ART. 132**

By means of a constitutional law, the regional Council having been consulted, existing Regions may be merged, or new Regions created, provided the population of any new Regions is at least one million, when the request has been made by a number of Municipal Councils representing no less than one-third of the populations involved, and the request has been approved by referendum by a majority of said populations.

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<sup>36</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 8, para. 1, for the amendments to this article.

<sup>37</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 2, for the amendments to this article.

<sup>38</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 2, for the amendments to this article.

<sup>39</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 2, for the amendments to this article.

<sup>40</sup> Constitutional Law of 27 December 1963, No. 3, in *Official Gazette* No. 3, of 4 January 1964, provided, by Art. 1, for the amendments to this article.

The Provinces and Municipalities which request to be detached from one Region and incorporated in another may be allowed to do so, following a referendum and a law of the Republic, which obtains the majority vote of the populations of the Province or Provinces and of the Municipality or Municipalities concerned, and after the Regional Councils have been consulted<sup>41</sup>.

### **ART. 133**

Changes in provincial boundaries and the institution of new Provinces within a Region shall be regulated by the laws of the Republic, after it has been requested by the Municipalities, having consulted the Region.

The Region, having consulted with the populations involved, may establish through its laws new Municipalities within its own territory and modify their districts and names.

## **TITLE VI. CONSTITUTIONAL GUARANTEES**

### **SECTION I. THE CONSTITUTIONAL COURT**

### **ART. 134**

The Constitutional Court shall pass judgement on:

- disputes concerning the constitutional legitimacy of laws and enactments having the force of law issued by the State and the Regions;
- conflicts arising over the allocation of powers of the State and between the State and the Regions, and between Regions;
- accusations made against the President of the Republic, according to the provisions of the Constitution<sup>42</sup>.

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<sup>41</sup> Constitutional Law of 18 October 2001, No. 3, in *Official Gazette* No. 248, of 24 October 2001, provided, by Art. 9, para. 1, for the amendments to this paragraph.

<sup>42</sup> Constitutional Law of 16 January 1989, No. 1, in *Official Gazette* No. 13, of 17 January 1989, provided, by Art. 2, para. 1, for the amendments to this paragraph.



## ART. 135

The Constitutional Court shall be composed of fifteen judges, one third of whom shall be appointed by the President of the Republic, one third by Parliament in joint session and one third by the ordinary and administrative supreme Courts.

The judges of the Constitutional Courts shall be chosen from among magistrates, including those in retirement, of the ordinary and administrative higher Courts, from full professors of law and lawyers with at least twenty years' practice.

Judges of the Constitutional Court shall be appointed for nine years, beginning from the day of their swearing in, and they may not be re-appointed.

At the end of their term, the constitutional judge shall cease from office and may no longer exercise the functions thereof.

In accordance with the provisions set forth by law, the Court shall elect from among its members, a President, who shall remain in office for three years and may be re-elected, the expiry term for constitutional judges shall hold in any case.

The office of the constitutional judge shall be incompatible with membership of Parliament, of a Regional Council, engaging in the legal profession, and with every appointment and office established by law.

In impeachment procedures against the President of the Republic, apart from the permanent judges of the Court, there shall also be sixteen members, who shall be drawn by lot from a list of citizens elected by Parliament every nine years, from among those possessing the qualifications for election to the Senate, by the same procedures as those followed in appointing permanent judges<sup>43</sup>.

## ART. 136

When the Court declares a law, or an act having the force of law, unconstitutional, the law ceases to have effect from the day following the publication of the decision.

The decision of the Court shall be published and communicated to the Chambers and to the Regional Councils concerned, in order that, should they

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<sup>43</sup> Constitutional Law of 16 January 1989, No. 1, in *Official Gazette* No. 13, of 17 January 1989, provided, by Art. 2, para. 2, for the amendments to this paragraph.

deem it necessary, they may take appropriate measures in compliance with constitutional procedures.

#### **ART. 137**

A constitutional law shall establish the conditions, the manner, the terms for bringing a case concerning constitutional legitimacy, and shall protect the independence of the constitutional judges.

Other provisions necessary for the constitution and the functioning of the Court shall be determined by law.

The decisions of the Constitutional Court may not be appealed against.

### **SECTION II. AMENDMENTS TO THE CONSTITUTION. CONSTITUTIONAL LAWS.**

#### **ART. 138**

Laws amending the Constitution and other constitutional laws shall be adopted by each Chamber after two successive debates at intervals of no less than three months, and shall be approved by a majority vote of the members of each Chamber in the second voting.

Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a Chamber or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated unless it be approved by a majority of valid votes.

A referendum shall not be held if the law has been approved in the second voting by each of the Chambers by a majority vote of two-thirds of the members.

#### **ART. 139**

The Republican form may not be changed by way of a constitutional amendment.

## **TRANSITORY AND FINAL PROVISIONS**

### **I**

With the implementation of the Constitution the provisional Head of the State shall exercise the functions of President of the Republic and take on that title.

### **II**

If, at the date of the election of the President of the Republic, all the Regional Councils have not been set up, only members of the two Chambers shall participate in the election.

### **III**

For the initial setting up of the Senate of the Republic, Deputies to the Constituent Assembly who meet all the requirements envisaged by law to become Senators and who:

had been Presidents of the Council of Ministers or of legislative Assemblies;

had been members of the dissolved Senate;

had been elected at least three times including to the Constituent Assembly;  
had been dismissed at the sitting of the Chamber of Deputies of November 9 1926;

had been imprisoned for no less than five years by a sentence of the special Fascist tribunal for the defense of the State;

shall be appointed Senators by decree of the President of the Republic.

Those who had been members of the dissolved Senate and who had been part of the “Consulta Nazionale” shall also be appointed Senators, by decree of the President of the Republic.

The right to be appointed Senator may be renounced before the signing of the decree of appointment. Acceptance of candidacy in political elections shall constitute renunciation of the right to be appointed Senator.

#### IV

For the first election of the Senate Molise shall be considered a Region in itself, having the due number of Senators based on its population.

#### V

The provisions of Article 80 of the Constitution on the question of international treaties which involve budget expenditures or changes in the law, shall become effective as of the date of convocation of Parliament.

#### VI

Within five years after the Constitution has come into effect the special jurisdictional bodies still in existence shall be revised, excluding the jurisdiction of the Council of State, the Court of Auditors, and the military tribunals.

Within a year of the same date, a law shall provide for the re-organization of the Supreme Military Tribunal according to Article 111.

#### VII

Until such a time as the new law on the Judiciary in accordance with the Constitution has been issued, the provisions in force shall continue to be observed.

Until such a time as the Constitutional Court commences its functions, the decision on controversies stated in Article 134 shall be conducted in the manner and within the limits of the provisions already in existence before the implementation of the Constitution<sup>44</sup>.

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<sup>44</sup> Constitutional Law of 22 November 1967, No. 2, in *Official Gazette* No. 294, of 25 November 1967, provided, by Art. 7, for the repeal of the third paragraph of this provision.

## VIII

Elections of the Regional Councils and the elected bodies of provincial administration shall be called within one year of the implementation of the Constitution.

The laws of the Republic shall regulate, for every branch of public administration, the transition of state functions which pertain to the Regions. Until such a time as the re-organization and re-distribution of the administrative functions among the local bodies has been accomplished, the Provinces and the Municipalities shall retain those functions they currently exercise and the others which the Regions may delegate to them.

The laws of the Republic shall regulate the transfer to the Regions of officials and employees of the State, including those from central administrations, which shall be made necessary by the new provisions. In setting up their offices the Regions shall, except in cases of necessity, draw their personnel from among the employees of State local bodies.

## IX

The Republic, within three years of the implementation of the Constitution, shall adjust its laws to the needs of local self-governments and to the legislative jurisdiction which pertain to the Regions.

## X

To the Region of Friuli-Venezia Giulia, as per Article 116, shall be temporarily applied the general provisions of Title V of the second part, without prejudice to the protection of linguistic minorities in accordance with Article 6.

## XI

Up to five years after the implementation of the Constitution other Regions may, by constitutional laws, be established, thus amending the list in Article 131, and without the conditions requested by the first paragraph of Article 132, without prejudice, however, to the obligation to consult the citizens concerned<sup>45</sup>.

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<sup>45</sup> Constitutional Law of 18 March 1958, No. 1, in *Official Gazette* No. 79, of 1 April 1958, provided, by its sole Article, for the amendments to this provision, establishing that “[t]he term referred to in the XI Transitory and Final Provision of the Constitution shall expire on 31 December 1963”.

## **XII**

It shall be forbidden to reorganize, under any form whatsoever, the dissolved Fascist party.

Notwithstanding Article 48, the law has established, for no more than five years from the implementation of the Constitution, temporary limitations to the right to vote and eligibility for the leaders responsible for the Fascist regime.

## **XIII**

The members and descendants of the House of Savoy shall not be voters and they shall not hold public office or elected offices.

To the ex-kings of the House of Savoy, to their consorts and their male descendants shall be forbidden access and sojourn in the national territory<sup>46</sup>.

The assets, existing on national territory, of the former kings of the House of Savoy, of their consorts and of their male descendants shall revert to the State. Transfers and the establishment of royal rights on said patrimony which took place after 2 June 1946 shall be null and void.

## **XIV**

Titles of nobility shall not be acknowledged.

The predicates of those existing prior to 28 October 1922 shall serve as part of the name.

The Order of Saint Mauritius shall be preserved as a hospital corporation and shall function in the ways set forth by law.

The law shall regulate the suppression of the Heraldic Council.

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<sup>46</sup> Constitutional Law of 23 October 2002, No. 1, in *Official Gazette* No. 252, of 26 October 2002, has established that “[t]he first and second paragraphs of the XIII transitory and final provision of the Constitution cease to be applicable as of the date of the entry into force of the Constitutional law”.

## **XV**

With the entry into force of the Constitution, the legislative decree of the Lieutenant of the Realm No. 151 of 25 June 1944 on the provisional organization of the State shall pass into law.

## **XVI**

Within one year of the entry into force of the Constitution, the revision and coordination therewith of the preceding constitutional laws which had not at that moment been explicitly or implicitly abrogated shall begin.

## **XVII**

The Constituent Assembly shall be called by its President to decide, before 31 January 1948 on the law for the election of the Senate of the Republic, on the special regional statutes and on the law governing the press.

Until the day of the election of the new Chambers, the Constituent Assembly may be called, when it is necessary to decide on matters which pertain to its jurisdiction by Article 2, paragraphs one and two, and Article 3, paragraphs one and two, of legislative decree No. 98 of 16 March 1946.

At that time the Standing Committees shall maintain their functions. Legislative Committees shall send back to the Government those bills, submitted to them, with their observations and proposals for amendments.

Deputies may present questions to the Government with request for written answers.

The Constituent Assembly, in accordance with the second paragraph of this Article, shall be called by its President at the documented request of the Government or by at least two hundred Deputies.

## **XVIII**

The present Constitution shall be promulgated by the provisional Head of State within five days of its approval by the Constituent Assembly and shall come into force on 1 January 1948.

The text of the Constitution shall be deposited in the Town Hall of every Municipality of the Republic and there exhibited, for the whole of 1948, so as to allow every citizen to know of it.

The Constitution, bearing the seal of the State, shall be included in the Official Records of the laws and decrees of the Republic.

The Constitution must be faithfully observed as the fundamental law of the Republic by all citizens and bodies of the State.

*Given in Rome on the 27<sup>th</sup> of December 1947*





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