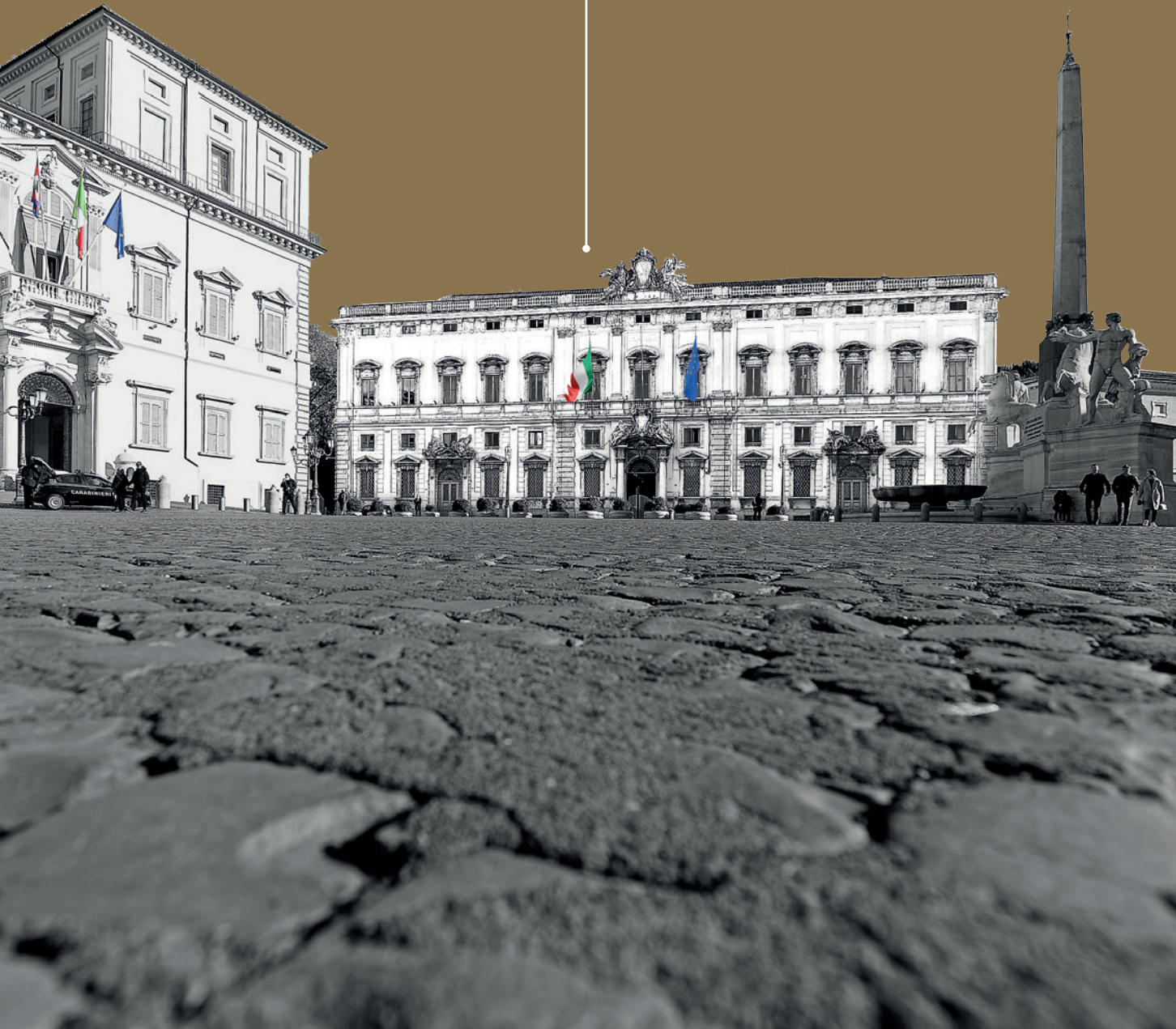




# Italian Constitutional Court Annual Report 2025





**Italian Constitutional Court  
Annual Report 2025**



6 **“European constitutional area:  
respect for the rule of law is the  
indispensable glue that holds  
the Union together”**

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in public hearing chaired by Giovanni Amoroso



# “European constitutional area: respect for the rule of law is the indispensable glue that holds the Union together”

*Interview with the President Giovanni Amoroso*



Over the past seventy years, 125 judges have served on the Court: 63 university professors, some of whom also partners or principals in law firms, 47 justices and 15 lawyers. Can the diverse professional backgrounds of the members of the Court – which are intertwined with the various procedures for the election and appointment of judges – be considered the highest guarantee of the Court’s independence and autonomy?

“As is well known, the Court is composed of fifteen judges, a third of whom are appointed by the President of the Republic, a third by Parliament in joint session and a third by a combination of the Court of Cassation, the Council of State and the Court of Auditors. The diverse backgrounds of the judges ensure a wealth of distinct professional experience is brought to bear, which serves to balance and enhance the Court’s deliberations when reaching a decision.

A judge who has a political background or affiliation – whether having been nominated by a parliamentary group or even having held important government posts – immediately, upon donning the robe of a Constitutional Court judge, enters into the logic of the collegiality of constitutional proceedings, where one engages with the language of law.

It is this shared sense of professional ethics – reflecting moreover the statutory provision stipulating that constitutional judges may not engage in any activity related to a political association or party nor stand as candidates in local or general elections (Articles 7 and 8 of Law No 87/1953) – that ensures the independence and impartiality of the Court and fosters collegiality in decision-making. When we speak the language of law, and

not that of politics, it is not difficult to understand one another.

As I have already emphasised on another occasion, decisions taken by a narrow majority are rare precisely because of the constant search for a broadly agreed solution.”

Since the second half of the twentieth century, particularly in Europe, there has been a strong drive towards the creation of a common constitutional area. Does the intricate fabric woven over recent decades by the national courts – thanks to the dialogue each of them has established with the European courts and, in particular, with the Court of

**Justice of the European Union – now risk unravelling due to the crisis of multilateralism and the return to the international stage of numerous forms of national sovereignty?**

“A multi-level system of safeguards has been established, with protections provided by the Constitution (national level), the Charter of Fundamental Rights of the European Union, the EU Treaties and secondary legislation (EU level), and the European Convention on Human Rights (conventional level). In this context, the Constitutional Court is called upon to engage in dialogue, above all with the Court of Justice, to build what has been labelled as the ‘European constitutional area’.

The Court, therefore, finds itself making increasing use of the preliminary reference procedure, not least to present its viewpoint before the Court of Justice. This is intended to ensure that the construction of a ‘European constitutional area’ is not the product of top-down judicial dirigisme – with all the limitations on legitimacy that



[Read the President's Report](#)

that could entail in systems organised within a union but not yet integrated together in the form of a confederation – but rather the result of a circular process, founded on mutual respect and the recognition of different roles and characterised by necessary flexibility.

Respect for the rule of law is the indispensable glue that holds the Union together. Yet within the Member States there are constitutional systems with differences that reflect distinct national identities and which must be respected by Union law precisely to facilitate the necessarily gradual process of convergence and harmonisation of legal systems, especially in sensitive areas such as family law, where there are diverse traditions and sensibilities.”

**In 2024 Germany enacted a constitutional reform that ‘fortifies’, so to speak, the structure and functions of the *Bundesverfassungsgericht*. A reform recently described as “a form of maintenance of constitutional democracy in times of regression”. Do you agree with that view?**

“Recently, at the end of the legislative term preceding the current one, certain rules concerning the composition, organisation and functioning of the *Bundesverfassungsgericht* (Federal Constitutional Court of Germany) – which had previously been governed by federal law – were enshrined in the Constitution.

That constitutionalisation ensures that such legislation cannot be amended by a simple parliamentary majority alone. By contrast, a two-thirds qualified majority is required in both the *Bundestag* and the *Bundesrat*, as stipulated in Article 79 of the Constitution (*Grundgesetz*) for constitutional amendments.

The reform primarily concerns the status and organisation of the court,

the terms of office of its judges and the binding effect of its decision. It stipulates that the decisions of the *Bundesverfassungsgericht* are binding on the constitutional bodies of the Federation and the *Länder*, as well as on all judicial bodies and public authorities. There is also a clause designed to prevent delays in the appointment of judges. In essence, the constitutional reform was intended to provide a protective framework for the functioning of the *Bundesverfassungsgericht*.

That said, the two-thirds majority for the election of *Bundesverfassungsgericht* judges remains outside the Constitution, and hence it is still open to amendment by ordinary legislation.

In our constitutional system, on the contrary, this guarantee has long been in place: the two-thirds majority, which is reduced to three-fifths for ballots following the third, is provided for by a constitutional law (Article 3 of Constitutional Law No 2/1967), which raised the legal status of the provision compared to the previous (and partially different) provision embodied in an ordinary law (Article 3 of Law No 87/1953).”

**President, the Court’s rulings may, at times, exhort the legislature to take action on certain matters or specific aspects thereof. Notwithstanding the fact that the ‘warnings’, so to speak, issued by the Court to Parliament are always made in the spirit of sincere institutional cooperation, in your opinion, how receptive is the legislature to the Court’s reports, recommendations and exhortations?**

“So-called warning rulings, which vary in intensity and scope, may take the form of a report, a recommendation or an exhortation, always within the framework of sincere institutional cooperation.

Orders to defer consideration of

the matter (so-called Cappato orders, named after the first case in which that form of decision was adopted) are informed by the same logic. The Court identifies a constitutional defect but does not declare it immediately for reasons to do with systemic repercussions or overall balance: it refrains from striking down the provision or issuing an additive ruling so as to allow the legislature time to remedy the situation.

Through such orders and the warnings contained in judgments (and sometimes in orders), a dialogue is established between the Court and Parliament, which is urged to intervene in a specific matter to regulate aspects where significant issues arise, such as possible violations of constitutional principles.

The warnings are not always followed up by a law passed by the legislature that removes the ascertained unconstitutionality.

For example, regarding the dismissal of workers in small businesses, in 2022 the Court had highlighted the critical nature of the existing restrictive regulations and, with a clear warning, had invited the legislature to remedy the identified flaw. This did not happen, and thus in 2025 the Court, once again seized of the matter, intervened by declaring the challenged provision to be unconstitutional, removing the cap on the compensation payable to an unlawfully dismissed worker.

The call to introduce national legislation regulating medically assisted suicide remains unheeded.

It would be desirable to establish a channel for institutional dialogue, such as, for example, a hearing with the President or judges of the Court before the parliamentary constitutional affairs committees to highlight, for instance, the warning rulings of the year.”



**In an increasingly polarised climate of confrontation between the governing majority and parliamentary opposition – with a direct impact on the quality of legislative output – can it be said that respect for the principles of reasonableness and proportionality used by the Court in its review of laws is at risk?**

“The Constitutional Court frequently employs the criteria of reasonableness and proportionality, which have become standards for assessing the constitutionality of laws.

Reasonableness, which originally formed part of the principle of equality, has gradually become detached from that principle and has developed into a separate constitutional standard. We now speak of intrinsic reasonableness or unreasonableness, no longer strictly linked to relying on a *tertium comparationis* to establish a violation of the principle of equality. The Court now treats the principle of equality and that of reasonableness as distinct, even though it sometimes finds both to have been infringed.

The principle of proportionality complements the principle of reasonableness. It is, in essence, derived from the latter when applied to sanctions, criminal, administrative or civil as the case may be. A sanction is ‘reasonable’ if it is ‘proportionate’ to the wrongdoing committed.

The application of the criteria of reasonableness and proportionality has effectively broadened the scope of constitutional review. However, as stipulated in Article 28 of Law No 87/1953, the Court’s review of the constitutionality of a law or an act having the force of law excludes any political assessment and any scrutiny of the exercise of Parliament’s legislative discretion.”

**Disputes between the State and the Regions often seem to follow paths shaped by the political leanings of the national government and those of the regional governments. Has this always been the case?**

“It is difficult to interpret the data relating, in particular, to the State’s di-



rect challenges to regional laws. These should be viewed in the context of the regions’ different legislative output, in terms of both quantity and content, as well as their financial situation. There are still regions subject to plans to reduce their healthcare budget deficits.

It is clear, however, that the State’s challenges are significantly more numerous than those brought by the regions. If we consider the decisions adopted by the Court in the 2024–2025 period on foot of direct applications filed by the State, it transpires that the regional laws most frequently contested were those of Calabria, Puglia, Sardinia and Sicily, i.e. regions whose regional executives belong to political forces linked to either the opposition or the governing majority.

In any case, the fact remains that the State’s failure to challenge a regional law does not shield that legislation from an incidental challenge as to its constitutionality stemming from a referral made by an ordinary court, including with regard to the allocation of legislative powers. And this applies, of course, with the roles reversed, to national laws that are open to challenge by the regions.”

**Electoral law, majority bonus, eligibility for the bonus and electoral threshold. In 2017, an *ex ante* application for constitutional review was filed with the Court, which subsequently declared the *Italicum* – the electoral law that was never implemented – unconstitutional. Is this a scenario that could be repeated?**

“Judgment No 35/2017 declared Law No 52/2015 (the so-called *Italicum* electoral law) to be unconstitutional insofar as it provided, in particular, for a run-off election without however stipulating a minimum threshold of votes required in the first round.

A list could proceed to the second

round even if it had obtained only a small number of votes in the first round, and nevertheless receive the bonus, potentially witnessing a significant increase in the number of seats compared to those it would have obtained on the basis of the votes cast in the first round. This resulted in a distorting effect similar to that which the Court had already criticised in relation to the previous electoral law in its Judgment No 1/2014.”

**The Court is often called upon to address issues whose outcome can have a major impact on public expenditure. What, if it can be identified, is the fine line between the sustainability of public finances and the alignment of laws with constitutional principles?**

“The Constitutional Court is mindful of the repercussions of its rulings of unconstitutionality on public expenditure and frequently defers the effects of judgments that have such an impact.

A typical example is the case that culminated with Judgment No 10/2015, in which the Court, whilst finding a provision imposing a tax (an additional income tax levy on the surplus profits of energy and oil companies) to be unconstitutional, observed that the retroactive application of the declaration of unconstitutionality would have had grave repercussions on budgetary stability due to the refunds that the tax authorities would have been required to make. Therefore, the Court did indeed declare the challenged provision to be unconstitutional but only with effect from the day following the publication of the judgment in the Official Journal of the Italian Republic.

Judgment No 152/2020 also states that the decision-making technique of rendering a judgment with *ex nunc* effect is now one of the procedural tools available to the Court. It therefore lim-

ited the temporal effects of the declaration of unconstitutionality – consisting of an increase in the amount of the disability pension – so that they took effect only from the day following the publication of the judgment in the Official Journal.

That same decision-making technique can be found in a recent ruling (Judgment No 94/2025) on the top-up to the minimum level of the ordinary disability allowance paid entirely under the system in force.”

**Your term as president began in January 2025 and will end in November of this year. Looking back over these first seventy years of the Court’s work, what does the natural mix of ‘short’ presidencies and ‘long’ presidencies such as yours teach us?**

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“Since 1990 the Court has generally followed the seniority rule (an unwritten rule giving priority to the length of time in office), and thus, depending on the circumstances of each case, short presidencies have been interspersed with long ones.

This unwritten rule – followed since then with few exceptions – has ensured harmony and concord among the Court’s judges and has further enhanced the value of collegiality: whilst the Court is represented by its president, it is essentially the body of its judges who speak collectively.

Under that seniority rule, presidencies – precisely because interspersed with short ones – have occurred at twice the rate: from 1990 to the present day there have been 34 presidents, compared with 14 presidents in the preceding period (from 1956) of equal duration.

There have been numerous presidencies lasting less than a year (more than half). Of these, in particular, there have been seven presidencies that can

be considered particularly short – lasting less than five months. Not even the exceptional brevity of a presidency lasting just 45 days led the Court to disregard this rule. Instead, it was upheld through an election reported to have been unanimous, which stood as a strong affirmation of collegiality.”

**In 2025, for around three months, the Court had to sit with eleven judges, risking failure to reach the quorum required to deliberate should a single member of the panel be unable to attend. Do you agree with those proposing to lower the quorum, also in view of the prospect of having, in eight years’ time, four judges elected by Parliament whose terms of office will all end at the same time?**

“It is ordinary law – Article 16 of Law No 87/1953 – that stipulates that the quorum is eleven judges.

When, last year, the Court found itself composed of just eleven judges, as Parliament had not yet elected the four outstanding judges, there was a real risk of the Court’s activities coming to a standstill. A risk that did not materialise because all eleven judges in office were always present, so that the Court was able to continue its work. Then the four outstanding judges were elected at the same time, and the Court was restored to its ordinary full complement of fifteen judges.

The number of eleven judges has its own logic, as it signifies that the Court must include at least one judge representing each of the three components of the Court.

When, in future, the four judges elected by Parliament all cease to hold office simultaneously, the same situation will arise: the Court will consist of only eleven judges pending the election of the four new ones.

It is Parliament’s responsibility to

ensure that the Court is not rendered unable, even temporarily, to function. This is possible if Parliament proceeds swiftly with the election of the judges. An election which, in theory, may even take place before the outgoing judges leave office (as is the case for judges elected by the judiciary or appointed by the President of the Republic) once the President of the Court has issued the notification, which, as a matter of practice, is done one month in advance.”

**President Amoroso, by the time this interview is published, we will also know the outcome of the constitutional referendum on the separation of the careers of judges and public prosecutors and on the reform of the Superior Council of the Judiciary. Do you think the heated tone of the controversy between supporters and opponents of the reform will leave a lasting impact?**

“Indeed, there has been a marked di-

vision within the electorate – and even more so between declared supporters and opponents of the constitutional reform – on an issue so vital to upholding the principle of judicial independence, the cornerstone of the rule of law.

I like to recall, in this regard, the institutional referendum of 2 June 1946. Even then there was a deep – and far more alarming – divide among the electorate over a fundamental choice, namely the form of government (republic or monarchy). But once the result of the referendum in favour of a establishing a republic had been announced, the divisions were healed and, in a shared spirit of proactive collaboration, the work of the 556 members of the Constituent Assembly began.

It is to be hoped that even after the latest constitutional referendum, whatever the outcome, a process of cooperation and dialogue will begin, overcoming the divisions of the referendum campaign.”

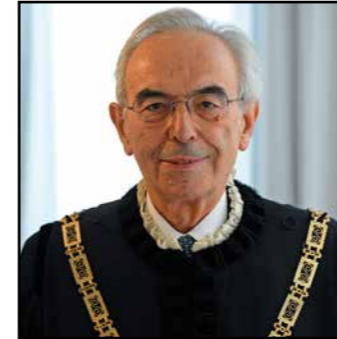
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# The Court

The Court presided  
over by Giovanni Amoroso

## The President



**GIOVANNI  
AMOROSO**

A former Division President at the Court of Cassation, which elected him to the Court on 26 October 2017. He was sworn in on 13 November 2017. He was elected President on 21 January 2025.

## The Vice Presidents



**FRANCESCO  
VIGANÒ**

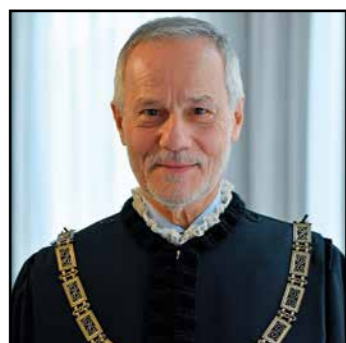
Full Professor of Criminal Law, he was appointed to the Court by the President of the Republic on 24 February 2018 and sworn in on 8 March of the same year. He was appointed Vice President on 21 January 2025.



**LUCA  
ANTONINI**

Full Professor of Constitutional Law, he was elected to the Court by Parliament on 19 July 2018 and sworn in on 26 July of the same year. He was appointed Vice President on 21 January 2025.





**STEFANO  
PETITTI**

A former Division President at the Court of Cassation, which elected him to the Court on 28 November 2019. He was sworn in on 10 December of the same year.



**ANGELO  
BUSCEMA**

A former President of the Court of Auditors, which elected him to the Court on 12 July 2020. He was sworn in on 15 September of the same year.



**EMANUELA  
NAVARRETTA**

Full Professor of Private Law, she was appointed to the Court by the President of the Republic on 9 September 2020 and sworn in on 15 September of the same year.



**MARIA ROSARIA  
SAN GIORGIO**

A former Division President at the Court of Cassation, which elected her to the Court on 16 December 2020. She was sworn in on 17 December of the same year.



**FILIPPO  
PATRONI GRIFFI**

A former President of the Council of State, which elected him to the Court on 15 December 2021. He was sworn in on 29 January 2022.



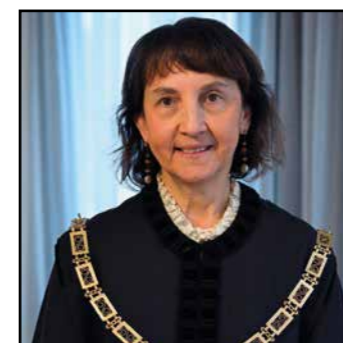
**MARCO  
D'ALBERTI**

Professor Emeritus of Administrative Law, he was appointed to the Court by the President of the Republic on 15 September 2022 and sworn in on 20 September of the same year.



**GIOVANNI  
PITRUZZELLA**

Full Professor of Constitutional Law, he was appointed to the Court by the President of the Republic on 6 November 2023 and sworn in on 14 November of the same year.



**ANTONELLA  
SCIARRONE ALIBRANDI**

Full Professor of Economics Law, she was appointed to the Court by the President of the Republic on 6 November 2023 and sworn in on 14 November of the same year.



**MASSIMO  
LUCIANI**

Professor Emeritus of Public Law, he was elected to the Court by Parliament on 13 February 2025 and sworn in on 19 February of the same year.



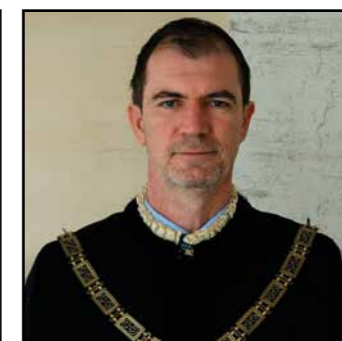
**MARIA ALESSANDRA  
SANDULLI**

Full Professor of Administrative Law, she was elected to the Court by Parliament on 13 February 2025 and sworn in on 19 February of the same year.



**ROBERTO NICOLA  
CASSINELLI**

Lawyer, he was elected to the Court by Parliament on 13 February 2025 and sworn in on 19 February of the same year.



**FRANCESCO SAVERIO  
MARINI**

Full Professor of Public Law, he was elected to the Court by Parliament on 13 February 2025 and sworn in on 19 February of the same year.



The monumental staircase  
of Palazzo della Consulta

# The year in figures

## Figures for 2025



Read the Studies  
Department reports

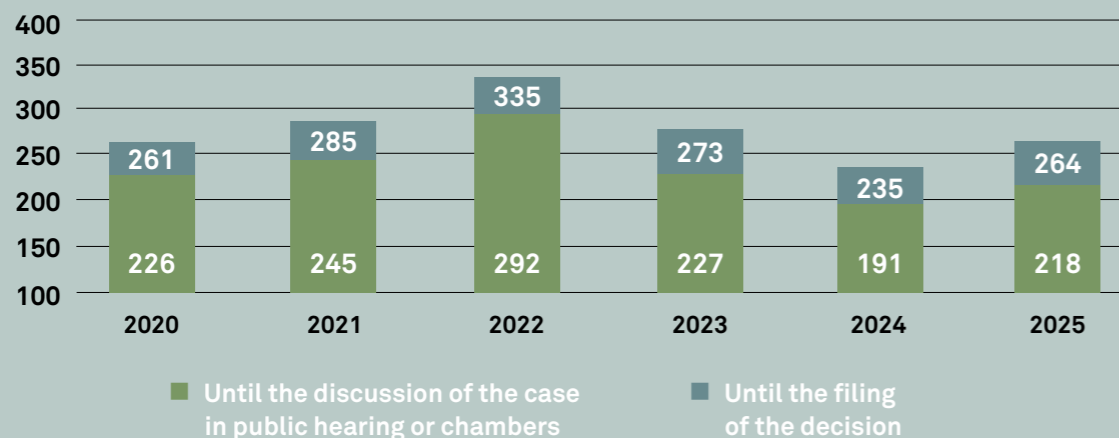
In 2025 the Constitutional Court handed down a total of 219 decisions (190 judgments and 29 orders), which is slightly higher than the 212 of 2024 (+3.3%).

Over the last fifteen years (2011-2025), the average number of decisions was 309 between 2011 and 2015, 279 between 2016 and 2020, and 239 between 2021 and 2025. The number of referral orders and direct applications received in 2025 was higher than in the previous year. In fact, the 263 referral orders represented a 6% increase compared with the 248 recorded in 2024. The figure for direct applications

filed (54) was also higher than in 2024 (40), witnessing an increase of 35%.

Regarding the various types of proceedings, the 219 decisions of 2025 can be broken down as follows: 160 (148 judgments and 12 orders) in incidental proceedings concerning constitutionality; 36 (30 judgments and 6 orders) in proceedings on constitutionality by direct application; 5 judgments concerning disputes between the State, Regions and Autonomous Provinces; 9 decisions concerning disputes between branches of state (8 orders regarding admissibility and 1

Average duration of incidental proceedings (no of days)



## The response to the demand for constitutional justice

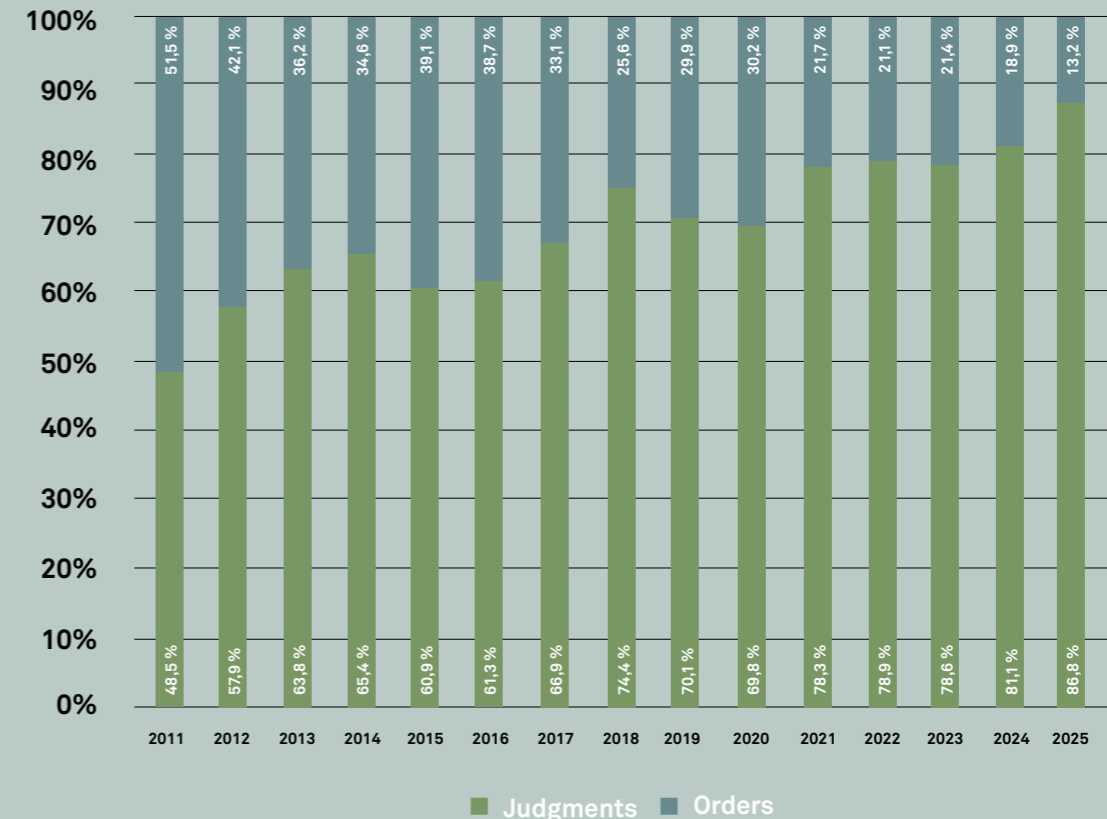
judgment on the merits). The picture is completed by 6 judgments on the admissibility of referendums and 3 orders for correction of clerical errors.

In percentage terms, incidental proceedings accounted for 73.1% of the decisions while proceedings by direct application accounted for 16.4% of the total. The remaining proceedings can be broken down as follows: disputes between the State, the Regions and the Autonomous Provinces 2.3%, disputes between branches of state 4.1%, admissibility of referendums 2.7%, and the correction of clerical errors 1.4%.

The 160 decisions issued in incidental proceedings continue to account for the lion's share of the Court's work, comprising more than four times the number of proceedings by direct application. The figure for 2025 is significantly higher than that for the previous year (139), including in percentage terms relative to the total number of decisions (73.1% and 65.3% respectively), and is the highest in the last fifteen years.

The 36 decisions handed down in proceedings by direct application fell by 39% compared with the 59 in 2024. Similarly, as a percentage of the total num-

Ratio of judgments to orders (2011-2025)



ber of decisions (16.4%), that figure is not only lower than in 2024 (27.7%) but also the lowest figure recorded in the last fifteen years. The 40% threshold was exceeded in only four years, particularly in 2012 and 2013, when exceptionally proceedings by direct application outweighed incidental proceedings before the Court (47.5% and 45.7% respectively).

The figure for disputes between the State, Regions and Autonomous Provinces (5 decisions) far exceeded that of 2024 (1 decision). In percentage terms the number of decisions rose from 0.5% to 2.3% of the total and is the highest in the last six years.

There were 9 decisions in 2025 regarding disputes between branches of state, the same as in 2024. However, the picture is somewhat different if one considers the stage of proceedings: orders on admissibility witnessed a sharp increase from 1 in 2024 to 8 in 2025, whereas the reverse occurred regarding decisions on the merits, which fell from 8 in 2024 to just 1 in 2025. As a percentage of the total, the number of decisions fell from 4.2% in 2024 (admissibility 0.4% and merits 3.8%) to 4.1% in 2025 (admissibility 3.6% and merits 0.5%).

There were 6 decisions in 2025 on the admissibility of referendums. The data on constitutional proceedings for 2025 is completed by 3 orders on the correction clerical errors.

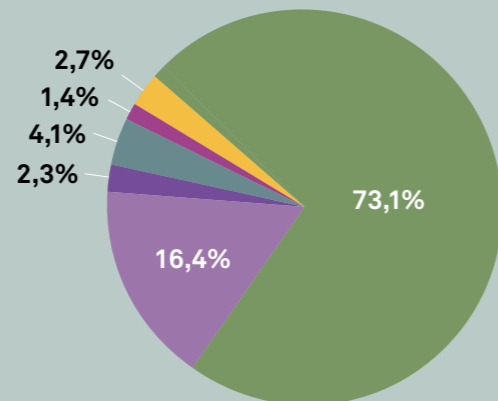
#### Incidental proceedings

These arise during court disputes, where a court, required to apply a legislative provision or act having the force of law that appears potentially incompatible with the Constitution, raises a question of constitutionality of its own motion or at the request of either party.

#### Proceedings by direct application

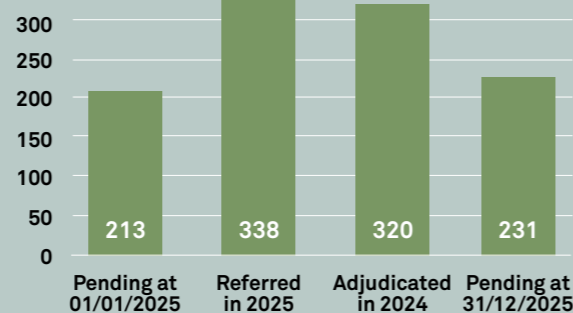
These are a means for the State to challenge regional laws, or for a Region to challenge State laws or acts having the force of law or other regional laws when the distribution of legislative authority under Article 117 of the Constitution is considered not to have been respected.

**219**  
decisions  
of which **160**  
in incidental proceedings



- Incidental proceedings
- Proceedings by direct application
- Disputes between the State, Regions and Autonomous Provinces
- Disputes between branches of state
- Correction of clerical errors
- Admissibility of referendums

Cases referred, adjudicated, and pending (total, 2025)



## Pending cases

As at 1 January 2025, 213 proceedings were pending. Over the course of the year, 338 new cases were received and 320 were disposed of. The total of 231 proceedings pending at the close of the year is slightly higher than at the close of 2024 (+8.5%). Breaking down the figures by type of proceedings, 184 incidental proceedings were pending as at 1 January 2025, and during the year 263 referral orders were received and 261 were disposed of. Therefore, the number of incidental proceedings pending as at 31 December 2025 stood at 186, differing only slightly from the previous year's figure (+1.1%). The figures for proceedings by direct application show a notable increase in the number of pending cases (+78.9%), with 34 cases still to be disposed of compared with the 19 at the start of the year. In 2025, 54 applications were received and 39 were disposed of. With regard to disputes between the State, Regions and Autonomous Provinces, the figure for pending cases (3) is similar to that of 1 January 2025 (4): during

the year, 5 cases were received and 6 were disposed of. With regard to disputes between branches of state, the data on the admissibility phase are examined separately from those on the merits stage. As regards the admissibility stage, the number of cases pending at the end of the year stood at 3, whereas as at 1 January 2025 there had been no pending cases: during the year 10 cases were received and 7 were disposed of. Similarly, as regards the merits stage, there had been no pending cases as at 1 January 2025, whereas at the end of the year the number of pending cases stood at 5: during the year 6 cases were received and 1 was disposed of. As for cases on the admissibility of referendums, as at 31 December 2025 there were no pending proceedings: 6 cases had been pending on 1 January 2025 and the relevant decisions were adopted within the prescribed statutory period. No orders were received during the year from the Central Referendum Office at the Court of Cassation.

## The duration of Constitutional Court proceedings

The time scales for cases before the Court continue to be reasonably short and even shorter compared with previous years. The main figures concern the average interval between the publication of the referral order or application and the discussion of the case in public hearing or chambers. The average duration of incidental proceedings from the date of publication of the referral order in the Official Journal to discussion in public hearing or chambers was 218 days: a period that is longer than in 2024 (191 days) but still shorter than in the previous three years (227 days in 2023, 292 in 2022 and 245 in 2021). As regards proceedings by direct application, the average interval between publication of the application in the Official Journal and discussion of the case in public hearing or chambers was 267 days: a period that is

slightly longer than in 2024 and 2023 (260 and 251 days respectively), but significantly shorter than in previous years (324 days in 2022 and 351 in 2021). The average duration of disputes between the State, Regions and Autonomous Provinces was 239 days from publication of the application in the Official Journal to discussion of the case in public hearing or chambers. This is higher than in previous years (157 days in 2024, 172 in 2023 and 159 in 2022), with the exception of 2021 (331 days). As for disputes between branches of state, the average interval between publication in the Official Journal of an application declared admissible and discussion of the case in public hearing or chambers was 91 days, a significantly shorter time than in previous years (207 days in 2024, 170 in 2023, 202 in 2022 and 174 in 2021).

# The 2025 decisions



Go to the Studies  
Department report  
and press releases

With its 219 decisions handed down in 2025, the Court addressed issues of great economic, legal and social importance: from fundamental rights to the major topics of family and healthcare. There were also decisions on electoral matters. Not to mention rulings on labour, competition, the welfare state, taxation, public expenditure, tourism, banking, construction, the environment and renewable energy as well as on criminal offences and penalties, civil and criminal procedure, and prisoners' rights.

## ABOLITION OF CRIMES – ABUSE OF OFFICE

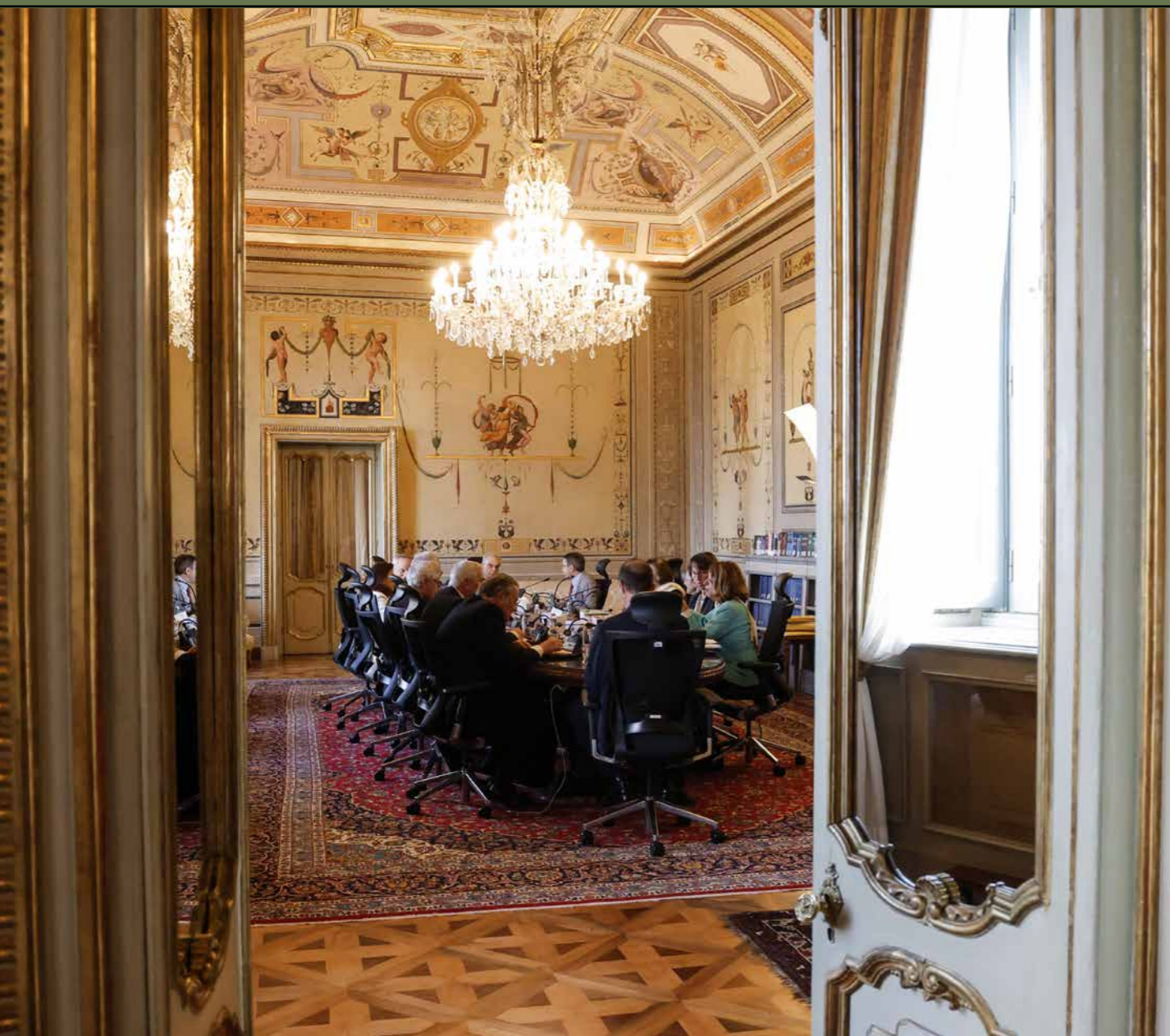
In **Judgment No 95** the Court ruled on the 2024 abolition of the offence of abuse of office. Fourteen judicial authorities had asked the Court whether that abolition conflicted, in particular, with the constitutional duty to comply with international obligations, including those arising from the United Nations Convention against Corruption. The Court declared that the question was unfounded: the Convention does not require States to provide for the offence in question, and nor does it prohibit its abolition where it already exists in national law. Although the repeal gives rise to “undoubted gaps in protection”, the assessment as to whether they are offset by the benefits expected from the reform is a political matter for the legislature and is not open to review by the Court.

## ADOPTION IN SPECIFIC CASES – CHILD'S SURNAME

In **Judgment No 210** the Court declared that Article 55 of Law No 184/1983, in connection with Article 299 of the Civil Code, was unconstitutional insofar as it did not allow a child adopted in specific cases to take only the adoptive parent's surname. The rule requiring that both the family of origin's surname and that of the adoptive parents had to be used, with the latter surname coming first, was held to be detrimental to the right to personal identity and the best interests of the child. Judges must assess on a case-by-case basis whether the replacement of the original surname reflects the actual identity of the adoptee, subject to the consent of the parties involved. In particular, the young age of the person concerned may make it necessary to prioritise the new identity, where the surname links them to family members who have not nurtured a relationship with the child.

## INTERNATIONAL ADOPTION – SINGLE PERSONS

In **Judgment No 33** the Court declared that Article 29-bis of Law No 184/1983 was unconstitutional insofar as it excluded single persons from international adoption. The



decision highlights the general suitability of unmarried persons to provide a stable and harmonious environment for an abandoned child, subject to the requirement that the court assesses that suitability and parenting ability in practice. An absolute ban on single persons risks undermining the effectiveness of a child's right to be placed in a family and disproportionately restricts self-determination regarding parenthood with respect to an institution based on the principle of social solidarity.

### DIFFERENTIATED AUTONOMY – REFERENDUM

**Judgment No 10** declared inadmissible the proposal for a referendum on the repeal of Law No 86/2024, which contained provisions for the implementation of differentiated autonomy for ordinary-statute regions. The Court noted that the subject matter and purpose of the question to be put to the electorate were unclear, as Judgment No 192/2024 had, in the meantime, profoundly affected the essential structure of the aforementioned law. The referendum question was also unclear as to its purpose, with the risk that it would result in the populace expressing a choice not on an ordinary law amended by a judgment of the Court but for or against differentiated regionalism. Holding that the referendum was admissible would therefore have led to a radical polarisation of identity and opinion regarding differentiated autonomy and, ultimately, regarding Article 116 of the Constitution, which cannot be the subject matter of an abrogative referendum but only of a constitutional revision procedure.

### CITIZENSHIP – LANGUAGE SKILLS

In **Judgment No 25** the Court ruled that a provision making the acquisition of citizenship – through marriage or naturalisation – conditional upon proof of intermediate-level



el knowledge of Italian for any foreign national, without exception for those in a situation of objective and documented impossibility to learn the language due to a disability, was unconstitutional because it violated the principles of equality and reasonableness.

### CITIZENSHIP – IURE SANGUINIS

**Judgment No 142** declared inadmissible complaints concerning the absence of limits on the acquisition of citizenship by descent, specifically criteria apt to ensure the effectiveness of the link with the legal system. The Court ruled out the possibility of intervening in a matter characterised by the legislature's particularly broad discretion and far-reaching systemic implications. The multitude of viable options meant that the choice remained solely within the legislature's remit. The Court rejected the request to issue a ruling on the new legislation (Decree-Law No 36/2025), which had imposed limits on the acquisition of citizenship by descent, as it was not applicable to the proceedings at issue.

### COMMISSIONER FOR CIVIC USES – INITIATION OF PROCEEDINGS

In **Judgment No 125** the Court declared inadmissible the questions as to the constitutionality of a provision that granted the Commissioner for Civic Uses the power to initiate of its own motion the proceedings that it has to adjudicate on. The Court stated that its own intervention was precluded by the need to establish a system for the protection of collective domains in accordance with Articles 24, 111 and 117 of the Constitution, which requires decisions based on political expediency. Nor had the constitutional framework changed from the past in such a way as to warrant a departure from the Court's own precedents. Although significant constitutional amendments had occurred, the body of provisions that shapes the identity of the Constitution sets out principles that may be described as "fundamental" or "supreme", which had not actually been affected by the amendments of 1999 and 2022. The identity of the Constitution is defined, as regards its "essential content", by the Constitution itself and cannot be altered by constitutional laws or constitutional amendments.

### MUNICIPALITIES – CONTAINMENT OF PUBLIC SPENDING

In **Judgment No 45** the Court dismissed the complaints raised by the Liguria Region, noting that, by funding local finances through transfers channelled via sectoral funds, one moves away from the model of financial autonomy set out in Article 119 of the Constitution. In pursuing the objective of containing public expenditure in relation to the commitments undertaken at EU level through the national fiscal-structural plan, the legislature had however limited itself to setting the total amount of the contribution from the Regions and local authorities, with autonomy for the latter as regards where savings could be made and excluding expenditure on social rights. In a context of scarce resources, non-essential expenditure must be reduced before expenditure required to safeguard social rights.

### PARENTAL LEAVE – INTENDED MOTHERS

In **Judgment No 115** the Court declared that Article 27-bis of the Consolidated Law on Maternity and Paternity (Decree-Law No 151/2001) was unconstitutional insofar as it did not recognise compulsory paternity leave for a female worker, an intended parent, in

a female couple registered as parents in the civil registry. In a process of progressively recognising the functional aspect of parenthood, which is identical regardless of the couple's sexual orientation, the interests of the child take precedence. In this regard, both the biological mother and the intended mother, who have decided to share the task of caring for the child, take on parental responsibility, with the associated duties towards the child, on an equal footing with a different-sex couple.

### GRANTS TO BUSINESSES – PDO AND PGI PRODUCERS

In **Judgment No 164** the Court held that the provisions contained in Article 3 of Decree-Law No 74/2012, which granted compensation for damage sustained by products during the ripening phase in the wake of the earthquake in the provinces of Bologna, Modena, Ferrara, Mantua, Reggio Emilia and Rovigo in 2012 solely to PDO and PGI producers, did not infringe Articles 3 and 41 of the Constitution. The differential treatment, censured by the Council of State solely in relation to the dairy sector, was warranted by the greater economic impact of the loss of products during the ripening phase for PDO products.

### TAX OBLIGATIONS – TAX ASSESSMENTS

In **Judgment No 137** the Court emphasised the tax obligation from the perspective of tax compliance and early dialogue between the tax authorities and taxpayers. It therefore strictly interpreted procedural bars on the use of documents not submitted or delivered in response to requests from the tax authorities.

### CONSTRUCTION – URBAN REGENERATION

In **Judgment No 51** the Court declared the unconstitutionality of a Lazio Region provision on urban regeneration which had permitted, on a transitional basis, the carrying out of building conversion works, involving a change of use, in derogation from the terms of the urban development plan and in the absence of an assessment by the relevant municipal council. The challenged provision created the risk of an uncontrolled increase in infrastructure demand and residential developments and was at odds with the aim, set out in the regional law itself, of achieving urban regeneration “in a broad and integrated sense”, encompassing not only building and urban planning aspects but also economic and social aspects, such as the designation of public green spaces.

### ELECTIONS – REMOVAL OF REGIONAL PRESIDENTS

In **Judgment No 148** the Court granted the application brought by the Autonomous Region of Sardinia against the State, thereby annulling, in this respect, the order by which the Regional Electoral Guarantee Board, established at the Court of Appeal of Cagliari, had decreed the removal from office of the President of the Region, who had been elected in 2024. The serious breaches of the law that the President had been accused of did not fall within the grounds for forfeiture of office laid down in Law No 515/1993. The actions of the Electoral Guarantee Board – a state supervisory body operating in the Region pursuant to Sardinia Law No 1/2013 – therefore exceeded its powers and undermined the powers vested in the Region of Sardinia.

### ELECTIONS – DIGITAL SIGNATURE

In **Judgment No 3** the Court ruled that the provisions preventing people with disabilities

from using digital signatures to endorse a list of candidates in elections were unconstitutional, a judgment that thereby fosters digital accessibility in the electoral process.

### ELECTIONS – THIRD TERM

**Judgment No 64** declared unconstitutional a Campania Region law that allowed the President of the Regional Government, having already served two consecutive terms, to stand for a third one. The challenged provision circumvented the fundamental principle of the prohibition on a third term of office laid down by Law No 165/2004, thereby violating Article 122 of the Constitution, which charges regional legislatures with the task of regulating cases of ineligibility in accordance with the fundamental principles established by national law. Subsequently, in **Judgment No 211** the Court also declared unconstitutional an Autonomous Province of Trento law that increased from two to three the number of consecutive terms that could be served by the President of the Province. The ban on a third consecutive term therefore applies not only to ordinary-statute regions but is a general principle of the legal system that also binds those special autonomous areas whose form of government is characterised, like the former, by the election of the president by universal and direct suffrage.

### RENEWABLE ENERGY – INSTALLATION OF PLANTS

On the subject of the installation of renewable energy plants, in **Judgment No 28** the Court declared the unconstitutionality of a Sardinia Region law that provided for a ban and the staying of proceedings already underway. Although aimed at protecting the landscape, the regional provisions conflicted with national legislation. That legislation, adopted in the exercise of a combination of exclusive state legislative powers regarding environmental protection and concurrent powers in respect of the production,



transmission and national distribution of energy, as well as in implementation of Directive 2018/2001/EU, was aimed at accelerating the country's path towards sustainable growth and achieving the targets for increasing the share of energy from renewable sources by 2030.

### FAMILY – RIGHTS OF COHABITEES

In **Judgment No 197** the Court declared that Article 42 of Consolidated Law No 151/2001, as in force prior to 2022, was unconstitutional insofar as it did not include de facto cohabitants amongst those entitled to take special leave to care for a person requiring intensive support, on an equal footing with cohabiting spouses. The values of solidarity set out in Articles 2, 3 and 32 of the Constitution highlight the crucial importance of the rights of persons with disabilities, particularly where the disability is severe, who require protection within a family setting. De facto couples are also bound, under Law No 76/2016, by obligations of moral and material support. Therefore, de facto cohabitation, where such support has been provided, gives rise to the right to the benefit in question.

### BANK BANKRUPTCIES – MANDATORY CONFISCATION

**Judgment No 7** dealt with the confiscation of € 963 million ordered against four individuals held responsible for the collapse of Banca Popolare di Vicenza. The Court ruled that the provision mandating the compulsory confiscation, either directly or by equivalent value, of all assets used to commit a corporate offence – in this case, the loans granted by the bank to third parties to purchase its shares – was unconstitutional. The law produced disproportionate punitive outcomes as it did not allow the courts to tailor the amount of the confiscation to the actual economic and financial condition of the individual convicted persons.



### ADMINISTRATIVE JUSTICE – CULTURAL HERITAGE

In **Judgment No 88** the Court ruled that the provision of a 12-month time limit permitting an authority of its own motion to annul an administrative measure, including with regard to authorisations affecting the protection of cultural heritage, was neither manifestly unreasonable nor contrary to Article 9 of the Constitution and the principle of the efficiency of public administration. Cultural interests are adequately protected in first instance proceedings, whereas in appeal proceedings, once the 1-year time limit has elapsed, they take a back seat to the interests of the addressees of the favourable measure and the stability of public legal relations. This is in line with the constitutional concept of administration, in which administrative power is vested in the service of the citizen.

### MUNICIPAL PROPERTY TAX – EXEMPTIONS

**Judgment No 112** declared that Article 8 of Legislative Decree No 504/1992 was unconstitutional for violation of Articles 3, 29, 31 and 53 of the Constitution insofar as it granted an exemption from municipal property tax solely to the owner of the property who habitually resides in their home together with their family. The Court clarified that the concept of a principal residence refers to the place where the taxpayer habitually resides and recognised the exemption from the property tax for those who have used the property they own as their habitual residence, thereby eliminating discrimination between married and single persons and with regard to spouses who, for practical reasons, such as work, choose different registered addresses and habitual residences.

### FUNERAL UNDERTAKERS – AMBULANCE SERVICES

In **Judgment No 62** the Court declared the unconstitutionality of a Calabria Region provision prohibiting funeral undertakers from providing a chauffeur-driven ambulance hire service for non-urgent and scheduled transport. The Court stated that that prohibition had to be distinguished from the ban, also imposed on the same undertakings, on providing emergency transport services, which was intended to safeguard the peace of mind and psychological well-being of particularly vulnerable individuals and was grounded in health protection considerations. On the other hand, the ban found to be unconstitutional directly affected competition, creating a barrier to the freedom of enterprise and adversely affecting citizens' freedom of choice, in breach of Article 117 of the Constitution.

### BUSINESSES – THE VALUE OF COOPERATIVES

**Judgment No 116** endorsed the constitutional dimension of cooperation, an advanced form of enterprise even in socially advanced systems, by virtue of its structure based on mutuality, subsidiarity and democracy. The Court therefore declared that the automatic dissolution of cooperatives was unconstitutional, regardless of whether the mutualistic objectives had actually been achieved.

### INCOMPATIBILITY – PREVENTIVE MEASURES JUDGES

In **Judgment No 182** the Court declared unfounded the questions as to constitutionality raised in relation to a failure to provide for a case of incompatibility or recusal of a preventive measures judge who returns the case files to the requesting authorities due to insufficient evidence. Preventive measures proceedings are not marked by distinct 'procedural' phases, as is the case in criminal proceedings, but retain a single-phase

structure. It follows that the return of the case file to the requesting authorities – which in any event cannot be classified as a ‘prejudicial act’ since it does not pre-empt the subsequent adoption of the seizure order – does not result in a return to a previous phase but constitutes a mere sub-stage within a procedure that remains just one overall.

### EDUCATION – SCHOOL CAPACITY PLANNING

In **Judgment No 200** the Court declared unfounded the questions as to constitutionality concerning provisions that brought forward the deadline for the conclusion of the procedure for the approval of school restructuring plans and conferred on the Minister of Education and Merit the power to grant an extension. The provisions were classified under the heading “general rules on education”, as they aimed to regulate procedural deadlines uniformly throughout the country. The Court also specified that the extension required a reasoned request from the relevant Region, thereby ensuring the involvement of both institutional bodies and the principle of sincere cooperation.

### IMPORT VAT – CUSTOMS DUTIES

**Judgment No 93** clarified that import VAT is fundamentally different in nature from customs duties, as it is premised on the principle of fiscal neutrality. Reiterating that the principle of proportionality also applies to tax penalties, the Court therefore ruled that the automatic confiscation of imported goods where VAT has not been paid is unconstitutional if the taxpayer subsequently arranges to pay the full amount of the evaded tax and the penalties.

### UNLAWFUL DISMISSALS – COMPENSATION

In **Judgment No 118** the Court declared that Article 9 of Legislative Decree No 23/2015 was unconstitutional insofar as it provided that, in the case of unlawful dismissals in small businesses, the amount of compensation “may not in any case exceed the limit of six months’ salary”, based on the last qualifying monthly remuneration for the purposes of calculating severance pay. That “cap” was deemed to be contrary to the principles of individualisation, adequacy and fairness of compensation for the damage suffered by the unlawfully dismissed worker, as well as being incapable of functioning as a deterrent for employers.

### DISMISSALS – TIME LIMITS FOR APPEALS

**Judgment No 111** declared that Article 6 of Law No 604/1966 was unconstitutional insofar as it did not provide that, if at the time of receipt of the notice of dismissal or during the 60-day period provided for challenging it the worker concerned is in a state of natural incapacity, the requirement that the dismissal be initially challenged – including out-of-court – does not apply and the dismissal may be challenged within the overall limitation period of 240 days from receipt of the notice. The contested provision – the Court observed – was manifestly unreasonable, in breach of Article 3 of the Constitution, whilst simultaneously violating the right to work (Article 4) and its protection (Article 35), including in judicial proceedings (Article 24).

### CRITICAL RAW MATERIALS – EXCLUSIVE STATE COMPETENCE

In **Judgment No 136** the Court declared the questions as to constitutionality raised by the Autonomous Region of Sardinia regarding certain provisions on procedures relating to critical raw materials of strategic interest (Decree-Law No 84/2024, as converted

into law) to be partly inadmissible and partly unfounded. In particular, the Court held that the challenged provisions did not infringe upon the Region’s legislative and administrative powers as they had been adopted in compliance with the constraints arising from EU law, constituted fundamental rules of economic and social reform, and related primarily to cross-cutting matters falling within the exclusive competence of the State, such as, in particular, the protection of competition and the environment.

### SOCIAL SECURITY – ORDINARY DISABILITY ALLOWANCE

In **Judgment No 94** the Court declared that Article 1 of Law No 335/1995 (pension system reform) was unconstitutional insofar as it did not exclude the ordinary disability allowance paid entirely under the defined contribution system from the prohibition on top-up of the minimum. That prohibition infringed the principle of equality, where applied also to the ordinary disability allowance payable to a worker who, due to infirmity or physical or mental impairment, was deserving of special protection because in a state of need that hindered them from accruing sufficient contributions and could arise even before the age of eligibility for a social allowance.

### INSOLVENCY PROCEEDINGS – REASONABLE DURATION

In **Judgment No 102** the Court declared unfounded the questions as to constitutionality raised by the Venice Court of Appeal concerning Article 2 of Law No 89/2001 insofar as it did not permit the court hearing the claim for fair compensation, having regard to the complexity of the insolvency proceedings, to consider not unreasonable a duration exceeding the six-year limit set by the challenged provision and held by well-established case law to be inderogable. Case law that, in line with the European Court of Human



Rights, permits a duration of up to seven years for particularly complex proceedings.

### CIVIL PROCEEDINGS – EXPERT WITNESSES

In **Judgment No 179** the Court declared that Article 130 of the Consolidated Law on Legal Costs was unconstitutional insofar as it provided that, where a party to civil proceedings was granted legal aid, the fees of their expert witness, calculated in accordance with the rates set out in the said legislation, were to be reduced by half. Those rates had never been adjusted every three years for inflation as required by Article 54 of the Law. That resulted in the payment of derisory fees, which did not adequately remunerate the work of experts and which had to be in line with market rates whilst duly respecting the need to contain public expenditure.

### CRIMINAL PROCEEDINGS – DOCTORS AND INSURANCE

**Judgment No 170** declared unconstitutional a provision preventing a defendant doctor from seeking, in criminal proceedings, the summons of the insurer of the healthcare or social-healthcare facility in cases of civil liability arising from the compulsory insurance provided for by the Gelli-Bianco Law. The “multifunctional” role of insurance is, in fact, to protect both injured patients, by ensuring compensation within the limits of the policy’s maximum cover, and insured doctors, who are entitled to be indemnified against the civil party’s claims for damages. The Court noted an unjustified disparity in treatment compared to that which occurs in civil proceedings, where the defendant could by contrast call upon their insurer to indemnify them.

### ASSISTED REPRODUCTIVE TECHNOLOGY – SINGLE WOMEN

In **Judgment No 69** the Court held that the questions as to the constitutionality of Ar-



ticle 5 of Law No 40/2004 were unfounded, thereby upholding the prohibition on single women accessing assisted reproductive technology (ART). The legislative choice was held to be neither manifestly unreasonable nor disproportionate, being warranted by the precautionary principle for the protection of the unborn. In particular, as this was a matter with significant bioethical implications and social repercussions, the Court acknowledged that the legislature has broad discretion, which, however, would face no obstacles under constitutional principles were it to extend access to assisted reproductive technology to single-parent families.

### ASSISTED REPRODUCTIVE TECHNOLOGY – INTENDED MOTHER

**Judgment No 68** declared unconstitutional the prohibition on an intended mother recognising a child born in Italy and conceived abroad through recourse, in accordance with the laws in force there, to assisted reproductive technology to which she had given prior consent, with the associated taking on of parental responsibility. A failure to recognise, from birth, the child’s status as the child of both parents infringes a child’s right to personal identity and unreasonably undermines the effectiveness of their rights, given the absence of any countervailing interest sufficient to justify a balancing of interests against the child’s interest in being automatically recognised, from birth, as the child of the intended mother too.

### PUBLIC SERVICE – SALARY CAP

**Judgment No 135** declared unconstitutional a provision setting the salary cap for public sector employees at €240,000 gross per annum, rather than benchmarking it to the total remuneration of the First President of the Court of Cassation. The salary cap, introduced in 2011, had been re-established in 2014 as a fixed amount, resulting in a significant reduction for some judges. In the early years, the challenged provision had been deemed not to be unconstitutional as it was an extraordinary measure, justified by the financial crisis. However, that provision had subsequently gradually ceased to meet the requirement of temporariness necessary to safeguard the independence of the judiciary and essential for its constitutionality and compliance with EU law.

### CRIMINAL OFFENCES AND PENALTIES – BURGLARY

In **Judgment No 193** the Court held that the challenges to the constitutionality of Article 624-*bis* of the Criminal Code were unfounded. The article defines and punishes the offence of burglary and must be held to be applicable also when the act is perpetrated in the communal areas of a block of flats. This is because those areas are designed to serve and protect private dwellings located within the building and hence must be afforded the same protection as individually owned areas. The Court considered the absence of a mitigated form of the offence to be reasonable because burglary does not allow for degrees of severity and reflects the particular danger posed by the perpetrator, thereby justifying the legislature’s decision to impose harsh penalties.

### CRIMINAL OFFENCES AND PENALTIES – BAG SNATCHING

In **Judgment No 171** the Court declared unfounded the questions as to the constitutionality – raised with reference to Articles 3 and 27 of the Constitution – of Article 624-*bis* of the Criminal Code on the offence of bag snatching insofar as it did not provide

for the mitigating factor of the minor wrongdoing involved. Indeed, the seriousness of bag snatching is demonstrated by the fact that this offence is always accompanied by violence experienced by the victim and an intrusion into their personal sphere through contact with the offender. Furthermore, it can easily escalate into a more serious offence or result in harmful consequences such as to fuel a widespread sense of insecurity and frustration that affects the victim's quality of life.

### CRIMINAL OFFENCES AND PENALTIES – KIDNAPPING

According to **Judgment No 113** a minimum sentence of 25 years' imprisonment, reducible to 16 years and 8 months in minor cases, for the offence of kidnapping for the purpose of extortion is not unconstitutional. However, the Court – in relation to a case involving victims deprived of their liberty for very short periods of time in order to force them to pay sums of between €100 and €300 – emphasised that the courts must assess whether the act committed by the defendant reaches a level of seriousness compatible with such severe penalties, in the light of the principle of proportionality. If not, the defendant may be convicted of ordinary kidnapping in conjunction with attempted extortion, which will allow for the imposition of a lesser sentence more appropriate to the actual gravity of the offence.

In **Judgment No 151** the Court declared that Article 69 of the Criminal Code was unconstitutional insofar as it provided, for the offence of kidnapping for the purpose of extortion, that general mitigating factors may not prevail over the aggravating factor of repeated recidivism. Above all, in accordance with the principles of proportionality and the need for punishment to be tailored to individual circumstances, the Court ruled that, in the face of exceptionally harsh sentencing, it is necessary to ensure the full possibility of mitigating the sentence even for "atypical" characteristics of the conduct, which only general mitigating factors are capable of addressing.

### CITIZEN'S INCOME – REQUIREMENTS

**Judgment No 31** demonstrated that the review of national constitutional parameters is coordinated in harmony with the rulings of the Court of Justice of the European Union, resolving any issues as to interpretation that may arise from preliminary references made by the ordinary courts. The judgment, whilst reiterating that citizen's income is not a form of social assistance, nevertheless deemed the 10-year residence requirement to be disproportionate on the grounds of a breach of Article 3 of the Constitution, limiting it to 5 years.

### REFERENDUMS – POWERS OF PROMOTING COMMITTEES

In **Judgment No 206** the Court declared inadmissible the application concerning a dispute between branches of state that had been brought by the Italian Citizenship Referendum Promoting Committee against the Parliamentary Commission for the General Policy and Supervision of Radio and Television Services. The Court reiterated that the promoters of a referendum are the institutional representatives of the power of state constituted by the signatories of the request for a referendum. The highly significant function exercised by the signatories, aimed at giving effect to popular sovereignty, requires that the organisational structure acting on their behalf be neither uncertain nor changeable, but have a precise identity that cannot be altered by the presence of out-

siders. Therefore, the right to file an application concerning a dispute between branches of state is not held by entities – such as the aforementioned committee – whose structure comprises persons other than those who originally submitted the request.

### HARD PRISON REGIME – OUTDOOR EXERCISE

Article 41-*bis* of the Prison Law was declared unconstitutional by **Judgment No 30**, limited to the phrase "for a duration not exceeding two hours a day, without prejudice to the minimum limit referred to in the first paragraph of Article 10". The prohibition on spending more than two hours a day outdoors restricted the possibility of enjoying light and fresh air to a far greater extent than under the ordinary prison regime, but added nothing to meeting security requirements, which had to be achieved through the careful selection of social groups and the adoption of measures aimed at preventing contact between different groups. Therefore, the prohibition was an excessive punishment that went beyond the purpose of the special hard prison regime, in violation of the principles of reasonableness and the rehabilitative purpose of punishment.

### SPECIAL-STATUTE REGIONS – MINING ACTIVITIES

In **Judgment No 126** the Court declared inadmissible the questions as to the constitutionality of a regional provision that classified certain variations to mining project plans as substantial. The application was held to lack adequate grounds, since, amongst other things, it did not clarify how the list of "substantial modifications" infringed constitutionally protected rights and the powers of the State. The Court further specified that, in main proceedings concerning laws of special-statute Regions, it is necessary to identify the specific statutory powers when a breach of the statute is alleged in relation to a matter governed therein in order to correctly define the content of the relevant parameter.



## HEALTHCARE – SPECIAL ADMINISTRATION OF LOCAL HEALTH AUTHORITIES

In **Judgment No 198** the Court declared the unconstitutionality of the provisions of Regional Law No 8/2025 whereby the Autonomous Region of Sardinia had (a) ordered that all local health authorities (ASL) be put into special administration, with automatic termination of the relationship with the incumbent general manager (Article 14), and (b) granted the new local health authority general managers the power to provide for, on the basis of purely discretionary assessments and without any procedural scrutiny, the replacement of non-senior managers before the natural expiry of their terms of office.

## HEALTHCARE – EMPLOYMENT OF RETIRED DOCTORS

In **Judgment No 84** the Court ruled that an Autonomous Region of Sardinia law permitting the temporary involvement of retired general practitioners in primary care projects initiated by local health authorities was constitutional and specifically was consistent with constitutional allocation of legislative powers. The Court held that the provision pursued an organisational objective that furthered the protection of health and fell within regional powers, constituting an extraordinary and time-limited measure aimed at ensuring the effective provision of essential levels of care in disadvantaged areas, without encroaching on the State's competence in matters of civil law.

## TRADE UNIONS – ESTABLISHMENT OF SINGLE TRADE UNION REPRESENTATIVE BODIES

The Court of Modena raised a question as to the constitutionality of Article 19 of the



Workers' Statute due to the impossibility of establishing a single trade union representative body (*rappresentanza sindacale aziendale* – RSA) within trade unions that have neither signed nor participated in the negotiation of a collective bargaining agreement applied in the production unit even though those trade unions have the highest membership. In **Judgment No 156** the Court ruled that single trade union representative bodies may be established in any production unit, including within trade unions that are comparatively larger at national level, given that a private employer's freedom of contract cannot constitute an obstacle to enjoyment of the flexibility afforded by law to organisations representing workers.

## SEA RESCUE – ADMINISTRATIVE DETENTION OF SHIPS

In **Judgment No 101** the Court dismissed the questions as to constitutionality raised by the Court of Brindisi concerning the rules on the administrative detention of ships: the outlawed conduct was described in precise terms and the principle of legal certainty was thus not infringed. The Court declared that the questions raised in connection with Articles 10 and 117 of the Constitution were unfounded. The challenged provisions could and had to be interpreted in accordance with international conventions, obligations to provide assistance and the prohibition on refoulement. The Court rejected the pleas regarding the mandatory detention of a ship because the punitive measure was held to be neither unreasonable nor disproportionate.

## MINOR DRUG DEALING – PROBATION

In **Judgment No 90** the Court declared that the exclusion from probation of the offence of unlawful production, trafficking and possession of narcotic substances classified as minor was unconstitutional. Precluding probation for a less serious offence like minor drug dealing while in principle permitting it for a more serious offence such as incitement to unlawfully use narcotic substances, in the wake of a legislative amendment in 2023, was held to be unreasonable and likely to lead to unequal treatment.

## MEDICALLY ASSISTED SUICIDE – REGIONAL REGULATIONS

**Judgment No 204** examined the Tuscany Region's law on assisted suicide. The Court rejected the State's objections to the law as a whole, holding that the Region concerned had exercised its concurrent competence in the field of health protection by laying down organisational and procedural rules. However, numerous provisions were declared to be unconstitutional as they conflicted with fundamental principles in this area or, in any event, because they encroached upon legislative powers vested exclusively in the State.

## TRANSPORT AND TARIFFS – MOTORWAYS

In **Judgment No 147** the Court ruled that the provisions postponing the deadlines for motorway toll adjustments for the years 2020, 2021, 2022 and 2023, pending the updating of the economic and financial plans, were unconstitutional. The Court observed that the challenged provisions violated the principle of administrative continuity, which requires the avoidance of any delay that is not strictly necessary to safeguard the public interest at the heart of the specific proceedings and which may thereby unjustifiably prejudice the interests of private individuals. At the same time, the provisions conflicted with Article 41 of the Constitution, in that they unreasonably skewed the concession

contract in favour of the granting authority, with negative consequences for the interests of the concessionaires and users.

### DETENTION OF FOREIGN NATIONALS – CONFIRMATION AND HEARING OF THE PARTIES

**Judgment No 39** declared the unconstitutionality of the rules governing Court of Cassation proceedings on confirmation of detention of a foreign national introduced by Decree-Law No 145/2024, converted, with amendments, into Law No 187/2024, insofar as it provided that such proceedings were to be regulated by the rules applicable to Court of Cassation proceedings concerning consensual European Arrest Warrants (EAWs) entailing decision being made in chambers without the parties being heard. The Court held that the extension to Court of Cassation proceedings on confirmation of detention of procedural rules like those governing consensual EAWs, which were unsuited to ensuring observance of the *audi alteram partem* principle, was manifestly unreasonable and infringed the right of defence. The Court therefore held that the procedural rules governing ordinary EAWs should replace those of the provision that it had struck down.

### DETENTION OF FOREIGN NATIONALS – PRINCIPLE OF LEGALITY

The Court of the Justice of the Peace of Rome, in confirming the detention of a foreign national in a pre-removal detention centre (*centro di permanenza per il rimpatrio* – CPR), questioned the constitutionality of Article 14 of the Consolidated Law on Immigration (a) on the grounds the “methods” of detention were governed by secondary legislation in breach of the principle of legality requiring primary legislation enshrined in Article 13 of the Constitution and (b) due to the absence of judicial remedies for infringements



of rights during detention. In **Judgment No 96** the Court found a violation of Article 13 of the Constitution but the questions of constitutionality were declared inadmissible, partly due to the impossibility of remedying the lack of protection and partly in the light of the general remedies available under the legal system (Articles 2043 of the Civil Code and 700 of the Code of Civil Procedure), as it is for the legislature to introduce comprehensive primary legislation and more specific forms of protection.

### COMPULSORY MEDICAL TREATMENT – RIGHTS OF ACTION AND DEFENCE IN PROCEEDINGS

In **Judgment No 76** the Court declared that Article 35 of the law establishing the National Health Service was unconstitutional insofar as it did not provide for (a) communication of the mayor’s initial order prescribing compulsory medical treatment and service of the court-issued confirmation order upon the person concerned or their legal representative and (b) for the person concerned to be heard by the guardianship judge prior to confirmation of the treatment. A person with a mental health condition cannot be deprived of their constitutional rights to legal action and defence in proceedings and to a hearing. Since the condition may prevent them from understanding the content of communications, a personal hearing before the guardianship judge is necessary, including for the purposes of complying with Articles 13 and 32 of the Constitution.

### TOURISM – HOTELS AND B&B ACCOMMODATION

In **Judgment No 186** the Court rejected the challenges to various provisions of Tuscany Region Law No 61/2024 concerning “non-hotel accommodation facilities” and holiday lets. The Court held that the challenged provisions, which set out conditions for the

management of such accommodation facilities, fell within the scope of tourism law (and not general law) and did not infringe the right to property, as they pursued a social function (reducing the negative effects of overtourism) in a proportionate manner. Furthermore, the Court upheld the provision allowing local authorities to restrict short-term holiday lets, as that was an administrative regulation primarily concerning the areas of land-use planning and tourism.

### LOCAL TV STATIONS – PUBLIC FUNDING

**Judgment No 44** declared that the questions raised by the Council of State regarding public funding for local television broadcasters were unfounded. The provision that “codified” the so-called preferential tier – under which 95% of the funding allocated to local television broadcasters is awarded to the top 100 in the ranking and the remaining 5% to those below – do not violate the principles of media pluralism and competition. The challenge concerned not so much the further proliferation of the already numerous voices making themselves heard in the public sphere but rather the safeguarding of the quality of information, in relation to which the role of journalists is fundamental.

### URBAN PLANNING – CONSTRUCTION BANS

In **Judgment No 72** the Court rejected the questions as to the constitutionality of a 1991 Sicily Region provision, which interpreted the ban on construction within 150 metres of the shoreline in the Region concerned – provided for by a 1976 law – as directly and immediately applicable to private individuals as well. The Court held that the 1991 provision had authentically interpreted the 1976 law, clarifying that the ban on building within 150 metres of the shoreline had applied directly to private individuals since 1976 and not merely for the purposes of its inclusion in urban planning schemes, and that it had not infringed upon a legitimate expectation of obtaining a planning amnesty.

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# The judges and law clerks

Law clerks, who may come from either the judiciary or academia, assist judges in preparing cases and drafting decisions. Fifteen days before public hearings and deliberations in chambers, they convene all together to discuss the issues under consideration by the Court and subsequently report back to their respective judge. The clerks carry out research and study of case law and legal literature, assisting the judge in view of the hearings and the decision to be taken in chambers.



Vice President Viganò at a meeting with his law clerks

Concetta Locurto  
Nicola Recchia  
Laura Tomasi



President Amoroso at a meeting with his law clerks

Milena D'Oriano  
Rosaria Giordano  
Teresa Grieco  
Valerio Napoleoni



Vice President Antonini at a meeting with his law clerks

Francesco Colella  
Pasquale Principato  
Giancarlo Triscari



Judge Petitti meets with his law clerks  
**Enrico Carbone**  
**Alessia Cozzi**  
**Antonio Scarpa**



Judge San Giorgio meets with her law clerks  
**Laura Mancini**  
**Antonino Masaracchia**  
**Laura Scalia**



Judge Buscema at a meeting with his law clerks  
**Monica Bergo**  
**Oriana Calabresi**  
**Lorenzo Delli Priscoli**



Judge Patroni Griffi at work with his law clerks  
**Daniele Chinni**  
**Francesca Della Valle**  
**Francesca Goggiamani**



Judge Navarretta during a meeting with her law clerks  
**Giovanni Armone**  
**Pietro Faraguna**  
**Elisa Stracqualursi**



Judge D'Alberti meets with his law clerks  
**Lucia Brancatelli**  
**Ludovica Dotti**  
**Aldo Giuliani**



Judge Pitruzzella  
at work with his  
law clerks  
Angelo Cerulo  
Carlo Padula  
Pierluigi Tomaiuoli



Judge Sandulli  
at a meeting with  
her law clerks  
Cecilia Bernardo  
Leonardo Pace  
Enrico Zampetti



Judge Sciarrone  
Alibrandi meets with  
her law clerks  
Luciano Ciafardini  
Raffaella Niro  
Paola Patatini



Judge Cassinelli meets  
with his law clerks  
Francesco Cortesi  
Stefano Giaime Guizzi  
Elisa Picaroni



Judge Luciani at work  
with his law clerks  
Luigi Cavallaro  
Giuseppe Riccardi  
Flavia Risso



Judge Marini during  
a meeting with  
his law clerks  
Marco Bignami  
Lucia Gizzi  
Anna Moscarini

# Report on the Court's work in 2024

At the heart of President Amoroso's annual report are the limits of legislative power, the protection of fundamental rights, judicial protection, regionalism, public finance and budgetary balance, jurisdictional disputes between branches of state, dialogue with the legislature and the Court's warnings.



President Giovanni Amoroso during his report on the Court's work in 2024 in the Belvedere Hall at Palazzo della Consulta. In the photo below, the President with the Head of State Sergio Mattarella

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“The future has become uncertain and, on the global stage, various parameters appear to be undergoing rapid and unpredictable change. But the rule of law remains a firm anchor for living together as a civil community sharing fundamental values and principles, which give substance to the founding pact of society. An essential component of this is the review of constitutionality, carried out by a court dedicated to this task, the normal exercise of which constitutes a factor of stability and a guarantee of the legal order and institutions.”

With these words, the President of the Constitutional Court, Giovanni Amoroso, commenced his report on the Court's work in 2024, at the annual extraordinary meeting held on 11 April 2025 at Palazzo della Consulta, in the presence of the Head of State Sergio Mattarella and high-ranking state officials.

Starting with data on constitutional case law, the President outlined the Court's judgments in 2024 broken down by a series of topics. The first one was

“legislative power and its limits”, as the Court had examined the Government's regulatory power, “a power” – he observed – that is “subject to precise constitutional limits to safeguard parliamentary democracy, the role of Parliament and institutional checks and balances”. The President also referred to the EU context, with the legal systems of the 27 Member States “moving towards convergence and then harmonisation to tackle, ‘united in diversity’, the challenges of the new century (the environment, energy, water and welfare), technological developments (starting with the enormous potential of artificial intelligence) and the crises of the present day (war beyond the Union's borders and migratory pressure from outside)”. He also recalled the important dialogue between European courts, the Court of Justice of the European Union and national courts.

There have been numerous decisions – the President continued – on the “protection of fundamental rights across a wide range of areas and perspectives:

civil liberties, criminal law and the prison system, family and personal status, employment and social rights, economic relations, tax law, and civil rights”.

With regard to judicial protection, the President highlighted “the right of access to the courts, which must be effective at every stage” and “the right to a fair trial, the hallmarks of which must be the principles of legality, *audi alteram partem* and equality of the parties before the courts, the impartiality and independence of judges, reasonable duration of trials and judicial review”.

The President went on to mention decisions concerning the allocation of powers between the State and the Regions, focusing on the judgment regarding the differentiated autonomy of ordinary-statute regions and those relating to the environment, landscape and territorial protection, as well as



building and urban planning. Another issue that emerged repeatedly was the obligation to cover public expenditure and maintain a balanced budget. Finally, he touched upon jurisdictional disputes between branches of state, “with

particular regard to the guarantee of parliamentary immunity, provided for in Article 68 of the Constitution”. President Amoroso concluded by addressing the issue of dialogue with the legislature and the Court's warnings in the form of

“reports, recommendations or exhortations” for Parliament to “take action by regulating certain matters or specific aspects thereof”. “Aware of and respecting the limits of discretion in political choices”, he observed that “the Court is called upon to protect fundamental rights and to fulfil its role as the guardian of the law within the broader context of sincere institutional cooperation”.

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# Press conferences

In 2025 President Amoroso met with journalists on 21 January following his election and on 11 April on the occasion of the Court's annual extraordinary meeting.



President Giovanni Amoroso at the press conference of 21 January on the occasion of his election  
In the photo below, the President meets journalists after the extraordinary meeting of 11 April

On 21 January 2025 Giovanni Amoroso was elected President of the Constitutional Court and, as his first act, appointed Judges Francesco Viganò and Luca Antonini as Vice Presidents. At his first press conference, the President took care to recall the spirit of deep collegiality that characterises the Court: decisions – he explained – are “the result of the convergence of the opinions of the various judges, which then find common ground in chambers”. The President emphasised “well-established case law” and the “need to follow precedent, which the Court has also recently reaffirmed”. He concluded his introduction by speaking of Europe: “There is a common constitutional area”, he observed, recalling the repeated preliminary references to the Court of Justice of the European Union and the significance of EU issues in constitutional review proceedings, “which in recent years has been further fostered through the dialogue between our Court and the Court

of Justice of the European Union”. The President then answered questions from journalists covering various topics, including differentiated autonomy, essential levels of service provision and the principle of subsidiarity; the election of the outstanding judges that had not yet occurred at the time; disputes between the legislative and judicial powers; artificial intelligence; the stability and evolution of constitutional principles in Italy and abroad in the light of societal changes; sincere cooperation with Parliament; security and new offences; abrogative referendums, the introduction of digital signatures for signing petitions, and the observations of referendum committees regarding the Court's proceedings on admissibility. At the end of the extraordinary meeting of 11 April, the customary press conference took place, broadcast live on RaiNews24. Responding to journalists, President Amoroso highlighted the Court's focus on the prison system, offering

some reflections on the right to conjugal visits in prison and the rehabilitative function of punishment. He then spoke about emergency legislation, emphasising the need for uniformity and consistency in the provisions concerned, both in the decree-laws and the statutes into which they are then converted. He also addressed the ban on a third term for regional governors and the role of the constitutional courts in upholding the rules of democratic coexistence. Other answers concerned so-called urban DASPO orders and red zones, the functioning of the Court in cases where several judges have not been elected, in the absence of an expedited mechanism which – as the President noted – exists, for example, in Germany. There were also questions on new rights, end-of-life issues, international adoptions



by single mothers, and electoral laws and the balance between the principle of equal voting rights and the requirements of governability. The issues of judicial independence, the conflict between politics and the judiciary, and the multi-level system with which the judiciary can and must contend today were raised with great feeling: “Our system”, observed the President, “sees the judicial, legislative and executive powers within a balanced system that contains within itself the antidotes to stem any possible encroachment of one power into the sphere of another. It is a fundamental principle that characterises European democracies. A principle which”, concluded President Amoroso, “forms the basis of the social contract that governs our life together”.

# Meetings in the Library



Go to the website

In 2025 the Constitutional Court Library Commission, composed on a rotating basis of three judges, organised an intensive programme of international meetings, study seminars, and opportunities for reflection and discussion among scholars on topics centred on constitutional law.



The Library Commission (from left, Judges Giovanni Pitruzzella, Maria Rosaria San Giorgio and Antonella Sciarrone Alibrandi) with the speaker at the 14 March meeting, Christopher S. Yoo

The Court expanded the traditional series of “Meetings in the Library”, study seminars organised and curated by the Library Commission, chaired by Judge Maria Rosaria San Giorgio and comprising Judges Giovanni Pitruzzella and Antonella Sciarrone Alibrandi.

The first meeting took place on 27 January, on Holocaust Remembrance Day, and was dedicated to the Court’s Vice President Emeritus, Edoardo Volterra. A professor of Roman law, he was expelled from his university following the enactment of the racial laws and forced into exile. Upon his return to Italy, he was arrested. He subsequently took part in the War of Liberation as a partisan. After the war, he became Rector of the University of Bologna and subsequently a judge of the Constitutional Court.

That meeting, held in the Belvedere

Hall of Palazzo della Consulta, was attended by Life Senator Liliana Segre and the President of the Constitutional Court, Giovanni Amoroso. Presentations on the scholarly work of Edoardo Volterra were given by Professor Luigi Capogrossi Colognesi and President Emeritus of the Court, Cesare Mirabelli. This was followed by contributions from Constitutional Court Judges Maria Rosaria San Giorgio, Giovanni Pitruzzella and Antonella Sciarrone Alibrandi. The event concluded with a personal account from the daughter of the Vice President Emeritus, Virginia Volterra, and a screening of the documentary film “*Edoardo Volterra. La vita come dovere. Lo studio come passione*” (Edoardo Volterra. Life as a Duty. Study as a Passion), directed by Marco Visalberghi.

In March, the second meeting addressed a topic of growing importance:

the right to be forgotten. The conflict between the interest in privacy and the freedom of expression of those involved in the processing of personal data, set to play an increasingly central role in the years to come, was the central theme of the event, introduced by a presentation by Professor Christopher S. Yoo, entitled “Role of Economic Effects on Proportionality Review: Insights from Data Protection Law”. As founder of the Center for Technology, Innovation & Competition at the University of Pennsylvania, Professor Yoo broadened the traditional debate on the principle of proportionality by highlighting the economic impact of personal data protection measures. Privacy protection techniques, the limits on the exercise of power by data controllers and the associated costs were further explored in the presentations by Professors Bernardo Giorgio Mattarella, Nicola Lupo and Giovanna De Mini-

co. The meeting concluded with a lively debate, made all the more precious by numerous points made by members of the audience present in the hall of the Library of Palazzo della Consulta.

In May, at the third meeting, the Court paid tribute to Salvatore Buscema, a former judge of the Court of Auditors and a university lecturer known for his significant academic prowess. Among his most notable works, a benchmark for legal literature, was his treatise on public accounting “*Trattato di contabilità pubblica*”. The meeting was dedicated to the new book “*Rilettura del Trattato di contabilità pubblica del Prof. Salvatore Buscema*”, reflecting on the treatise. The book was introduced by Judge Maria Rosaria San Giorgio, with opening remarks from President Giovanni Amoroso. Subsequently, the President of the Court of Auditors,



The “Meetings in the Library” event on 5 May dedicated to Salvatore Buscema  
In the image below, Frank Elderson, speaker at the event on 9 June

Guido Carlini, Judge Antonella Sciarone Alibrandi and Vice President Luca Antonini highlighted the renewed relevance of the treatise, followed by contributions from the authors of the volume and Constitutional Court Judge Angelo Buscema. The closing remarks were delivered by Judge Giovanni Pitruzzella.

of the Executive Board of the European Central Bank and Vice Chair of the Supervisory Board, drew attention to the important role played by central banks, emphasising that the rule of law also encompasses the protection of citizens’ economic rights against market abuses and financial crises. This was followed by presentations by Sergio Nicoletti Altimari, Head of the Economics and Statistics Department at the Bank of Italy, and Marco Lamandini, Full Professor of Commercial Law at the University of Bologna.



The event on 9 June, opened by President Amoroso, provided an opportunity to reflect on the rule of law, one of the fundamental pillars of the European Union’s architecture. Its safeguarding is entrusted to the courts and political institutions but does not end there. In his presentation entitled “The Rule of Law as a Constitutional Pillar of European Central Banking”, Frank Elderson, Member

All the “Meetings in the Library” – including videos, posters and photos of the events – are available on the Constitutional Court’s website and on its official YouTube channel.

In the photo on the right, Life Senator Liliana Segre and Chief Rabbi of the Jewish Community of Rome Riccardo Di Segni with President Giovanni Amoroso, President Emeritus Augusto Barbera, Library Commission Chair Maria Rosaria San Giorgio and, with his back to the camera, President Emeritus Cesare Mirabelli during the meeting in the Red Parlour, prior to the seminar on 27 January dedicated to the Court’s Vice President Emeritus Edoardo Volterra



# Touring across Italy

## The Constitutional Court in schools

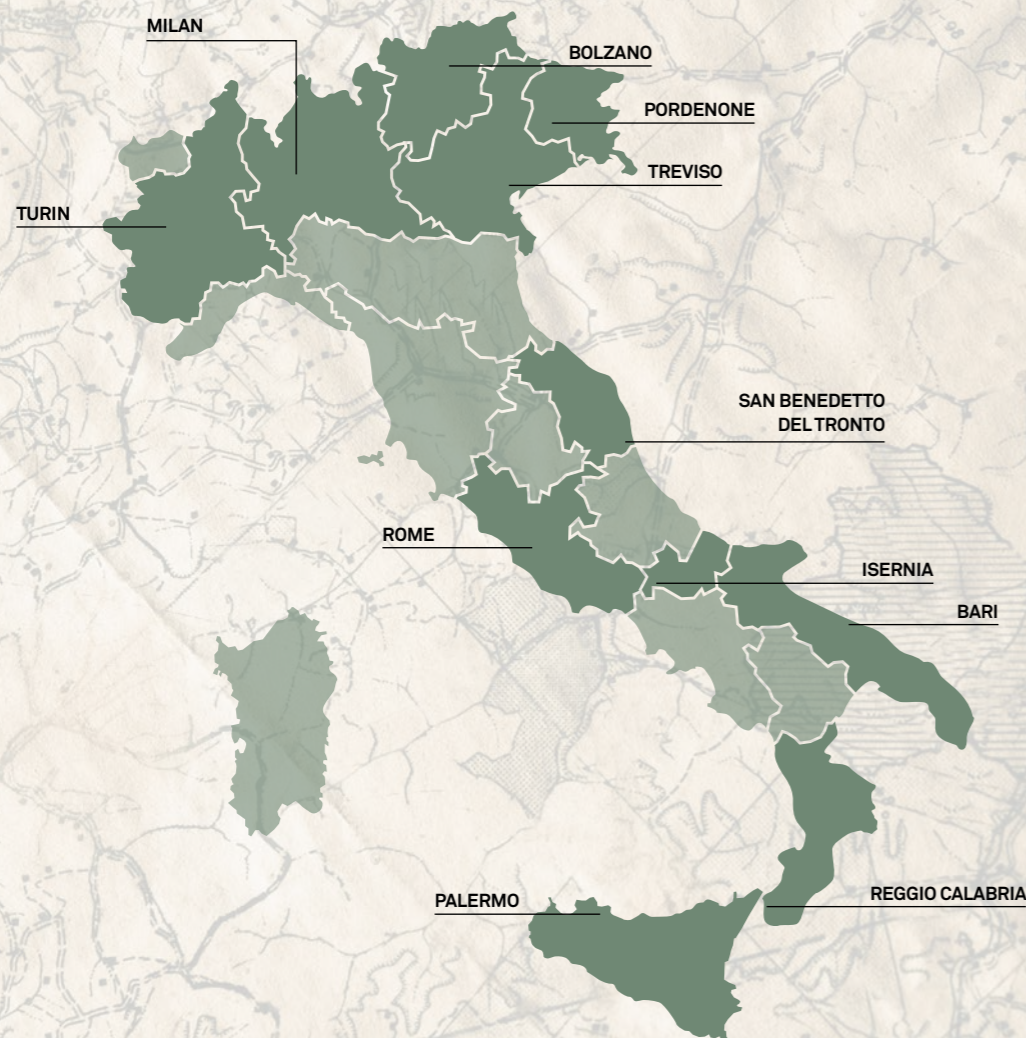


Go to the website

In 2025 students from eleven regions met with Constitutional Court judges to discuss the Constitution and the Constitutional Court's role in safeguarding people's rights.



President Amoroso, along with other Constitutional Court judges, at Giulio Cesare High School in Rome, on the occasion of the launch of the new edition of the school visits initiative on 2 October 2025



The Constitutional Court's tour of high schools continues and is being renewed. In June 2025 a new memorandum of understanding was signed at Palazzo della Consulta by the President of the Constitutional Court, Giovanni Amoroso, and the Minister of Education and Merit, Giuseppe Valditara, extending the initiative to cover two academic years, until June 2027.

As in previous years, meetings with students took place in many Italian schools, following the established programme designed to foster awareness among the younger generation of the Court's role in safeguarding fundamental rights and freedoms. Young people, citizens on the cusp of coming of age, were thus able to engage with a segment of the academic offering that included in-depth study of the rights and duties enshrined in our Constitution, the working methods of the Constitutional Court, the impact of constitutional law on everyday life, and the most significant judgments handed

down by the Constitutional Court since 1956, during its seventy years of existence as the supreme guarantor serving the nation.

Since the start of 2025, the tour has made stops in Reggio Calabria, Turin, San Benedetto del Tronto, Isernia, Bolzano and Pordenone. In Rome, President Giovanni Amoroso's lecture at Giulio Cesare High School inaugurated the new edition, which continued in Milan, Treviso, Bari and Palermo.

The most recent development is the establishment of the "*La Scuola incontra la Corte a Palazzo della Consulta*" (Schools Meet the Constitutional Court at Palazzo della Consulta) award: a recognition provided for in the new memorandum of understanding between the Constitutional Court and the Ministry of Education and Merit, aimed at promoting the best project exploring the constitutional issues addressed during the individual stages of the tour.



### THE CONSTITUTION: WHAT VALUES FOR YOUNG PEOPLE?

**ANTONELLA SCIARRONE ALIBRANDI**  
Tommaso Campanella High School  
Reggio Calabria – 21 February 2025



### THE CONSTITUTION BELONGS TO EVERYONE

**GIOVANNI PITRUZZELLA**  
G. Sommeiller Technical and Commercial Institute  
Turin – 28 February 2025



### FROM THE PAST TO THE FUTURE: OUR RIGHTS, OUR DUTIES

**MARCO D'ALBERTI**  
Giacomo Leopardi High School  
San Benedetto del Tronto – 18 March 2025



### THE REPUBLIC

**MASSIMO LUCIANI**  
Majorana-Fascitelli Institute  
Isernia – 2 April 2025



### CONSTITUTION AND PUBLIC ADMINISTRATION

**MARIA ALESSANDRA SANDULLI**  
Evangelista Torricelli Institute  
Bolzano – 16 April 2025



### WHAT IS THE CONSTITUTIONAL COURT AND WHAT IS ITS PURPOSE?

**ROBERTO NICOLA CASSINELLI**  
J.F. Kennedy Technical Institute  
Pordenone – 24 April 2025



### HOW THE CONSTITUTION CAME ABOUT

**GIOVANNI AMOROSO**  
Giulio Cesare High School  
Rome – 2 October 2025

The event on 2 October marked the launch of the new edition of the school visits programme following the signing on 26 June of the memorandum of understanding between the Constitutional Court and the Ministry of Education and Merit.



### WHAT CONSTITUTIONAL RIGHTS ARE

**FRANCESCO VIGANÒ**  
Schiaparelli – Gramsci Institute  
Milan – 14 October 2025



### THE RIGHT TO HEALTH: THE MOST FRAGILE OF THE GREAT ACHIEVEMENTS

**LUCA ANTONINI**  
Andrea Palladio Institute  
Treviso – 17 October 2025



### THE CONSTITUTION AND YOUNG PEOPLE: THE ROOTS AND FUTURE OF OUR DEMOCRACY

**ANGELO BUSCEMA**  
Enrico Fermi High School  
Bari – 21 November 2025



### ART, CULTURE AND THE CONSTITUTION

**STEFANO PETITTI**  
Regina Margherita Institute  
Palermo – 5 December 2025

# Dialogue and meetings with other courts



Go to the website

In 2025 there was no shortage of opportunities for exchange and discussion with international courts and other national courts, with a view to building a common constitutional area.



A delegation from the Court of Justice of the European Union, led by President Koen Lenaerts (front, to the right of President Amoroso), with the judges on the terrace of Palazzo della Consulta, at the conclusion of the study meeting on 26 September 2025

On 23 January President Amoroso and Vice Presidents Viganò and Antonini met a delegation from the Constitutional Court and the Supreme Court of Albania at Palazzo della Consulta. The President then attended the preparatory meeting of the Circle of Presidents in Tirana on 3 March, in view of the 20<sup>th</sup> Congress of the Conference of European Constitutional Courts scheduled for May 2027.



In Vienna, on 17 February, a bilateral meeting was held between the Austrian Constitutional Court and the Italian Constitutional Court, focusing on assisted suicide and border controls within the Schengen Area. The President, the two Vice Presidents and Judges Petitti and Navarretta took part.



A bilateral meeting with the Constitutional Court of Bulgaria was held in Sofia on 18 June, with President Amoroso and Judges Petitti, Patroni Griffi and Luciani in attendance. Again in Sofia, from 3 to 5 September, the President, Judge Sciarrone Alibrandi and Secretary General Zingales took part in the internation-



al conference “EUnited in Diversity III”. The President spoke on “European and national identity, public powers in situations of urgency and necessity, and constitutional law in times of crisis”.



The international symposium “Addressing Challenges to Liberal Democracies and the Resilience of Constitutional Courts”, featuring speakers including US Supreme Court Justice Samuel Alito, former President of the Italian Constitutional Court Giuliano Amato and President of the German *Bundesverfassungsgericht* Stephan Harbarth, was held at Palazzo della Consulta on 22 September. President Amoroso and Judge Pitruzzella addressed the gathering.



On 26 September the Court met with a delegation from the Court of Justice of the European Union, led by President Koen Lenaerts, for a seminar on dialogue between constitutional courts and the Court of Justice. The topics covered included the role of the Constitutional Court as a European court, the rule of law and judicial independence, security and privacy in a



digital environment, and recent developments in asylum and migration law.

On 29 and 30 October Vice President Antonini, Judge D'Alberti and Secretary General Zingales attended the 6<sup>th</sup> Congress of the World Conference on Constitutional Justice in Madrid, dedicated to the human rights of future generations. Judge D'Alberti spoke on the protection of natural resources and the environment.

On 11 and 12 November a meeting was held in Karlsruhe with the *Bundesverfassungsgericht*. Representing Italy were President Amoroso, Vice President Viganò, Judges Petitti, Navarretta, Pitruzzella and Sciarrone Alibrandi, Secretary General Zingales and Head of the Ceremonial Office Storino. The topics discussed included recent case law in the area of family law, constitutional budgetary constraints, relations between the Court of Justice of the European Union and constitutional courts, and recent rulings on prison law.

On 28 November the 6<sup>th</sup> Quadrilateral Meeting took place in Paris between the French *Conseil Constitutionnel*, the Italian Constitutional Court (represented by President Amoroso, Vice President Viganò, Judge D'Alberti and Secretary General Zingales), the Spanish *Tribunal Constitucional* and the Portuguese *Tribunal Constitucional*, dedicated to the topic of "Constitutional Courts facing Criticism of 'Government of Judges'".



In the photo on the right, the meeting of the Circle of Presidents of the Conference of European Constitutional Courts in Tirana on 3 March 2025



# Staying connected

Various information tools and channels to publicise the Court's activities and promote constitutional culture

In 2025 the Court published a brochure entitled "Discovering the Constitutional Court. Role, functions, guarantees", also available online in pdf format on the official website. The initiative forms part of the Court's broader commitment to raising public awareness of its functions and constitutional role, by facilitating communication that is accessible and aimed at fostering an understanding of the fundamental principles of the legal system.

Just a few pages, with concise text accompanied by simple graphics, designed

to give readers an initial overview of the Constitutional Court's composition, its functions, constitutional review proceedings and its most significant decisions, including some judgments that have had a profound impact on citizens' lives. The brochure also provides an overview of the Court's history from the entering into force of the Constitution to the establishment of the Court itself and highlights some of the architectural and artistic treasures of Palazzo della Consulta.

The brochure serves as the Constitutional Court's calling card and is aimed



Students from the P. Cuppari – S. Salvati Institute in Jesi visiting Palazzo della Consulta, 21 March 2025

primarily at school and university students, many of whom have visited Palazzo della Consulta over the course of the year. Judges bring a copy with them on their visits to schools across Italy, helping to spread constitutional culture and foster informed citizenship, particularly among the younger generations.



stages, offering an immediate and easily accessible source of information.

A new “Topics” (*Pagine tematiche*) section has been created on the official website. This is a showcase designed for members of the public and interested users, bringing together in-depth content on specific issues under consideration by the Court, thereby facilitating access to information on matters of particular relevance that are often the subject of public debate. Each page in the section presents the Court’s decisions relating to a specific topic, accompanied by press releases and videos of public hearings. These are followed by further insights, such as documentation from the Court’s Studies Department and podcasts published on social media

“*L’udienza in pillole*” (The Hearing in a Nutshell), on the other hand, is a lens, so to speak, designed to provide an in-depth look at one of the key aspects of the Constitutional Court’s work. The video clip, published on the official website, shows the public hearing courtroom, its key figures – the judges, private practitioners, and lawyers representing the State and the Regions – and its main

and interested users, bringing together in-depth content on specific issues under consideration by the Court, thereby facilitating access to information on matters of particular relevance that are often the subject of public debate. Each page in the section presents the Court’s decisions relating to a specific topic, accompanied by press releases and videos of public hearings. These are followed by further insights, such as documentation from the Court’s Studies Department and podcasts published on social media



channels by the Press and Communications Office.

In 2025 “The Court Talks” (*I colloqui della Corte*) continued, a series of conversations between judges and representatives from the worlds of culture and civil society, conceived as opportunities for open debate on highly topical issues. Vice President Francesco Viganò spoke with Riccardo Arena, presenter of the Radio Carcere programme, on the relationship between punishment and public safety, with particular attention paid to the complex and sensitive world of prisoners. The right to health, meanwhile, was the focus of the conversation between Vice President Luca Antonini and Professor Antonio Gasbarini of Sacred Heart Catholic University, who offered a detailed insight into the challenges facing the Italian healthcare system, which is anchored in the consti-

tutional guarantee of the right to health, both individual and collective.

The number of press releases relating to decisions – the Court’s main channel of communication – reached 175 in 2025, marking a significant increase from the 107 issued the previous year. This figure is in line with the now well-established trend towards strengthening and systematising institutional communication activities, aimed at ensuring a wider and more timely dissemination of decisions, as well as facilitating their understanding by an increasingly broad and diverse audience.

During the year the Court also published 45 new minipodcasts on its audio and video channels (official website, Spreaker and YouTube), continuing the initiative launched in 2024. Podcasts provide a quick and immediate update on the most significant decisions.



# The year's events

The President, Vice Presidents and judges of the Constitutional Court took part in numerous events throughout 2025. Meetings, conferences, seminars and ceremonies at constitutional bodies, institutions, universities, academies and foundations: there were many occasions on which members of the Court were invited, including as speakers.



- 1** 08.02 Judge Giovanni Pitruzzella speaks at the opening of the academic year at the University of Palermo
- 2** 10.02 President Giovanni Amoroso at the Quirinale for Holocaust Remembrance Day
- 3** 14.02 President Giovanni Amoroso and Vice President Luca Antonini at the inauguration of the judicial year of the Court of Auditors
- 4** 20.02 Judge Antonella Sciarrone Alibrandi speaks at the seminar "The Constitutional Principle of the Protection of Savings" at the University of Messina



- 5** 14.03 Vice President Luca Antonini and Judge Massimo Luciani speak at the Court of Auditors during the round table discussion "The reform of European economic governance: reflections on implementation prospects within the framework of the protection of constitutional rights and territorial autonomy"
- 6** 20.03 President Giovanni Amoroso speaks at the conference of the Presidential Council of Tax Justice "Relations between the Courts – Case law as a driving force of the constitutional order and the EU legal order"
- 7** 03.04 Judge Maria Rosaria San Giorgio receives the 34<sup>th</sup> Anna Maria Mammoliti Minerva Award at Rome City Hall
- 8** 24.04 Judge Marco D'Alberti speaks on the topic "Rule of Law and Public Administration" at a seminar organised by Boğaziçi University in Istanbul
- 9** 18.05 President Giovanni Amoroso attends the solemn ceremony for the inauguration of Pope Leo XIV, alongside the President of the Republic Sergio Mattarella, high-ranking state officials and foreign heads of state and government



- 10 21.05 Judge Maria Alessandra Sandulli speaks at the conference organised by CNEL to mark the 25<sup>th</sup> anniversary of the Italian Association of Professors of Administrative Law
- 11 28.05 The ceremony at the Court to mark the 100<sup>th</sup> birthday of President Emeritus Cesare Ruperto and the presentation of a volume of writings in his honour
- 12 30.05 Vice President Francesco Viganò at the Bank of Italy for the presentation of Governor Fabio Panetta's concluding remarks on the occasion of the publication of the 2024 Annual Report
- 13 04.06 Judge Emanuela Navarretta speaks at the ceremony commemorating Professor Guido Alpa at the Faculty of Law of Sapienza University of Rome
- 14 19.06 President Giovanni Amoroso speaks on "Uniform interpretation of law and proceedings before the Court of Cassation" at the Court of Cassation's general meeting



- 15 20.06 Judge Antonella Sciarrone Alibrandi in Milan at CONSOB's annual meeting with the financial markets. The event marked the conclusion of the celebrations for the stock exchange regulator's 50<sup>th</sup> anniversary
- 16 21.06 Vice President Luca Antonini attends the ceremony at the Piave barracks marking the 251<sup>st</sup> anniversary of the founding of the Revenue Police
- 17 26.06 Judge Angelo Buscema at the hearing of the Court of Auditors for the approval of the general state accounts for the 2024 fiscal year
- 18 09.09 President Giovanni Amoroso attends the ceremony for the inauguration of the new First President of the Court of Cassation, Pasquale D'Ascola
- 19 17.09 Judge Maria Alessandra Sandulli, at Roma Tre University, chairs and coordinates the annual seminar of the journal *Diritto e Società* on the topic of "Poverty"



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- 20** 01.10 Vice President Luca Antonini delivers a presentation at the CNEL conference “The third sector: opportunities for the country”
- 21** 02.10 Judge Antonella Sciarrone Alibrandi speaks at the CONSOB conference in Rome on “Financial market contracts: types, rules and safeguards”
- 22** 09.10 President Giovanni Amoroso receives the 46<sup>th</sup> edition of the Guido Dorso International Prize 2025 at Palazzo Giustiniani
- 23** 14.10 President Giovanni Amoroso at Palazzo del Quirinale for the visit of Pope Leo XIV
- 24** 15.10 Vice President Francesco Viganò, in the presence of the Head of State Sergio Mattarella and the President of the Republic of Chile Gabriel Boric Font, chairs the first part of the seminar “Bernardo Leighton between Chile and Italy on the 50<sup>th</sup> anniversary of the assassination”, organised by the Vittorio Occorsio Foundation and the Chilean Embassy to Italy



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- 25** 12.11 The Constitutional Court in Lecce at the Court of Auditors' academic conference “Justice in the service of the country. The predictability of decisions”. Judge Filippo Patroni Griffi concludes the first session
- 26** 21.11 Judge Roberto Nicola Cassinelli speaks at the Orientamenti Festival in Genoa in a conversation-interview entitled “The Constitutional Court: its duties and importance in everyday life”
- 27** 01.12 Judge Massimo Luciani, speaker at the Accademia Nazionale dei Lincei conference “War and peace: from economic, social, moral and religious perspectives”
- 28** 05.12 President Giovanni Amoroso at the inauguration of the Olympic torch relay for the Milan-Cortina 2026 Winter Olympic Games
- 29** 09.12 Judge Stefano Petitti speaks at Roma Tre University as part of the series of meetings “The Constitution open to all”
- 30** 10.12 President Giovanni Amoroso speaks at the opening of the academic year at Luiss Guido Carli University of Rome with a presentation on “The Constitution and the European Union”



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