

**REPORT ON THE ACTIVITIES OF THE CONSTITUTIONAL COURT
FOR THE YEAR 2025**

Report on the Activities of the Constitutional Court for the Year 2025

CONTENTS: 1. Introduction. – 2. Constitutional case law in 2025. Statistics. – 3. National primary legislation. – 3.1. *The general limit of supreme principles.* – 3.2. *The homogeneity of provisions as a constraint on decree-laws and conversion laws.* – 3.3. *Criteria for delegation and delegated legislation.* – 3.4. *Retroactive laws.* – 3.5. *Statutes of authentic interpretation.* – 3.6. *Reasonableness and proportionality in the exercise of legislative power.* – 3.7. *Referendums.* – 4. European and supranational law. – 4.1. *European Union law.* – 4.2. *The Charter of Fundamental Rights of the European Union.* – 4.3. *The European Convention on Human Rights.* – 4.4. *International agreements.* – 5. *The protection of constitutional rights.* – 5.1. *Civil liberties and the right to assisted suicide.* – 5.2. *The family and the status of persons.* – 5.3. *Adoption.* – 5.4. *Assisted reproductive technology.* – 5.5. *De facto unions.* – 5.6. *Private and public sector employment.* – 5.7. *Social security, welfare and pension benefits.* – 5.8. *Property rights.* – 5.9. *Enterprise and economic initiative.* – 5.10. *Electoral law.* – 5.11. *Professions.* – 5.12. *Cultural heritage.* – 6. Foreign nationals and immigration. – 6.1. *Combating irregular immigration.* – 6.2. *Discrimination against foreign nationals.* – 7. Taxation and tax proceedings. – 7.1. *IMU, ICI and other taxes.* – 7.2. *Tax proceedings.* – 8. Criminal law, criminal proceedings and the prison system. – 8.1. *The principle of legality.* – 8.2. *The principle of proportionality.* – 8.3. *The principle of the natural court and the requirement of judicial impartiality.* – 8.4. *The protection of personal liberty.* – 8.5. *Criminal proceedings.* – 8.6. *The prison system.* – 9. Judicial protection and the right to a fair trial. – 10. Regionalism between solidarity and the division of competences. – 10.1. *The prohibition on a third term of office.* – 10.2. *The environment, protection of the territory and energy production.* – 10.3. *Town planning and construction.* – 10.4. *Competition.* – 10.5. *Staff employed by regional administrations.* – 10.6. *Education.* – 10.7. *Healthcare expenditure and the financial autonomy of the Regions.* – 11. Public finance and budgetary balance; healthcare expenditure. – 12. Jurisdictional disputes between the State, Regions and Autonomous Provinces and between branches of state. – 13. Concluding remarks.

1. Introduction

Mr President of the Republic, Distinguished representatives of the Institutions, Ladies and Gentlemen,

Allow me, at the outset, to extend a respectful greeting to the President of the Republic, and to express my gratitude for his constant work as a sure guide and steady point of reference, a guarantor of social cohesion.

By way of introduction, it cannot be overlooked that this extraordinary meeting takes place at a moment of extreme fragmentation and uncertainty in the international context.

We are witnessing today a troubling predominance of the use of force over diplomatic channels.

There are unresolved conflicts; new wars are emerging; there is ongoing instability.

The international institutions and the system of global multilateralism, established in the post-war era, are undergoing a profound structural crisis.

The European Union is struggling to act as a force for peace grounded in the rule of law.

In his apostolic exhortation *Dilexi Te*, Pope Leo XIV calls for a new “global subsidiarity”, appealing for the reconstruction of a world authority based on the rule of law.

It is against this backdrop that the Court’s traditional survey of the past year’s case law is set.

2. Constitutional case law in 2025. Statistics

The Court delivered 219 rulings in 2025 (190 judgments and 29 orders).

Of these, 160 were handed down in incidental proceedings and 36 by direct application, and thus concerned the review of the constitutionality of laws or other legislative acts.

This figure is comparable to that recorded in the same year by other European courts. The French *Conseil constitutionnel* (55 decisions under the same review of the constitutionality of laws or other normative acts), and the German Federal Constitutional Court (*Bundesverfassungsgericht*) delivered a total of 70 decisions.

The judgments containing at least one operative part declaring unconstitutionality number 81. A more detailed examination is set out below under “Quantitative data and analysis”.

3. National primary legislation

In the Court’s case law, various aspects of the issue of specific limits on primary legislation have arisen, starting from the general principle of the existence of supreme principles (§ 3.1.).

Important and more specific clarifications have addressed emergency decrees and conversion laws (§ 3.2.), delegated legislation (§ 3.3.), retroactive laws (§ 3.4.) and statutes of authentic interpretation (§ 3.5.).

A cross-cutting constraint on legislative power is to be found in the principles of reasonableness and proportionality (§ 3.6.).

The abrogative referendum (Article 75 of the Constitution) also falls within the sphere of primary legislation, and its conditions of admissibility constitute a specific limit on the referendum itself (§ 3.7.).

3.1. *The general limit of supreme principles*

In reviewing constitutional revision laws – in particular the incorporation of the right to a fair trial into Article 111 and of environmental protection into Article 9 of the Constitution – the Court (**Judgment No 125**), in line with its established case law (notably Judgments Nos 1146/1988 and 203/1989), reaffirmed the existence of “fundamental” or “supreme” principles of the Constitution, whose essential content cannot be undermined or modified, even by constitutional revision laws or other constitutional statutes. The identity of the Constitution is defined, in its “essential content”, once and for all by the Constitution itself.

In particular, Constitutional Law No 2/1999 did not, by reforming Article 111 of the Constitution, alter the essential content of the supreme principle of judicial impartiality, which was already embedded in the legal system.

3.2. *The homogeneity of provisions as a constraint on decree-laws and conversion laws*

Homogeneity of provisions operates, first and foremost, as a constraint on the conversion law of a decree-law.

The Court reiterated that amendments to the conversion law must relate to the same subject matter as the decree-law itself, since the former “has the characteristics of a ‘functionalised and specialised’ source, aimed at stabilising the decree-law, with the consequence that it cannot ‘be extended to cover matters unrelated’ to those contained in the decree” (**Judgment No 44**).

This continuity is lost where the added provisions are entirely unrelated to, or even “intrusive” upon, the contents and purposes of the decree-law.

The conversion law may not contain provisions that are heterogeneous to the decree-law; this is essentially to prevent the simplified parliamentary procedure laid down by the parliamentary rules of procedure from being exploited for purposes unrelated to those justifying the decree-law, to the detriment of ordinary parliamentary debate (**Judgment No 205**).

With regard to the system of public funding for local television broadcasters, the Court (**Judgment No 44**) ruled out a violation of Article 77 of the Constitution on grounds of lack of homogeneity with the original content of the decree-laws, in respect of the amendments that provided for the codification of the regulatory provisions governing the matter and the authentic interpretation of their scope.

A similar requirement of homogeneity applies to the provisions contained within the decree-law itself.

The Court's review remains, however, confined to cases where there is a clear break in the link between the situation of necessity and urgency that the Government seeks to address and the individual provision of the decree-law.

For decree-laws that contain, from the outset, multiple content, what matters is the teleological aspect, namely compliance with the dominant rationale underlying the emergency legislative measure (**Judgment No 90**).

A particular type of such decrees is represented by the so-called *milleproroghe* decree-laws, in respect of which only the inclusion, at the time of conversion, of a provision "entirely unrelated" to the *ratio* and the unified purpose "gives rise to the mixing and overlapping, within the same legislative act, of heterogeneous subject matters and purposes, on the basis of premises which are, in turn, heterogeneous" (**Judgment No 44**).

3.3. *Criteria for delegation and delegated legislation*

With regard to legislative delegation, the Court reiterated that the Government's margin of discretion in applying the guiding principles and criteria set by the delegating legislature is sufficient to allow it to pass provisions that constitute a coherent development, and where appropriate even a completion of, the choices set out in the enabling act.

It continues to be the case, however, that the Government's discretion must be assessed in the light of the degree of specificity of the criteria laid down by the delegating legislature and in accordance with the *ratio* underlying those criteria. Accordingly, a precise provision of the delegating law, given the degree of detail that characterises it, must be transposed exactly in the delegated decree (**Judgment No 213**).

Article 4(4)(a) of Legislative Decree No 116/2017 was deemed contrary to Article 76 of the Constitution insofar as, with regard to the selection of candidates for admission to the honorary judiciary, it provides that, where candidates have the same preferential qualifications, greater professional seniority prevails, up to a maximum of ten years.

Failure to exercise, or incomplete exercise of, delegated powers (the so-called excess of delegation *in minus*) does not in itself constitute a violation of Articles 76 and 77 of the Constitution, unless it results in a distortion of the delegating act (**Judgment No 81**).

The failure to decriminalise the offence of illegal entry into and residence within the territory of the State is therefore not unlawful, since it concerns a single specific offence and is thus incapable of undermining the overall design of the delegating legislature, which envisaged a broad decriminalisation measure – both general and offence-specific – covering a wide range of offences.

At most, the omission by the delegated legislature may render the Government accountable to Parliament but is "certainly not a constitutionally significant breach of the law".

3.4. *Retroactive laws*

The non-retroactivity of criminal law represents a specific constitutional constraint (Article 25(2) of the Constitution).

With regard to the new provisions on the suspension of proceedings with probation for minors, introduced during the conversion of Decree-Law No 123/2023 (the so-called Caivano Decree), the Court held that they directly affect substantive law, introducing a regime less favourable than that previously in force, and therefore cannot be applied to offences committed prior to 15 November 2023, the date on which the new provision entered into force (**Judgment No 8**).

Subject to this limitation, and without prejudice to the general rule that the law applies prospectively, it is, however, within the legislature's discretion to provide for the retroactive effect of the new provisions in matters not governed by criminal law.

In particular, the legislature, prompt to respond – already in the 2022 Budget Law – to the Court's urgent invitation (Judgment No 120/2021) to reform the remuneration mechanisms for the tax collection service, was not required to act retroactively, since the temporal scope of application likewise fell within its discretion (**Judgment No 46**).

3.5. Statutes of authentic interpretation

The legislature may adopt provisions of authentic interpretation, “which merge with the provisions being interpreted, thus expressing a single legal precept from the outset” (**Judgment No 44**).

A provision of authentic interpretation is one which, “formally so designated by the legislature, also expresses in substance a meaning that falls within those attributable to the provision being interpreted under the ordinary criteria of statutory construction”.

Genuinely interpretative provisions merely extract one of the possible meanings from the text of the provision being interpreted; the rule resulting from their integration assumes that meaning from the outset, so that the retroactivity is, in the logic of the unitary precept, merely apparent.

Nevertheless, the legislature's interpretative intervention – which is binding on the courts – could frustrate interests deserving protection, particularly where the legislature adopts an interpretation of the provision that differs from that of dominant case law, yet is still consistent with one of the possible meanings of the provision itself (**Judgment No 72**).

In such cases, the exercise of the legislative function through provisions of authentic interpretation may require that weight be given to a legitimate expectation previously placed in an interpretation differing from that subsequently adopted by the legislature, where that expectation has acquired “a more significant connotation, attaining a higher level of significance”.

3.6. Reasonableness and proportionality in the exercise of legislative power

The reasonableness of legislative choices is assessed through the so-called proportionality test, which measures whether a measure adopted by the legislature is appropriate to the aim pursued, particularly when it involves balancing two rights (**Judgment No 138**).

The proportionality test requires an assessment of whether the provision under review, as applied, is necessary and suitable for achieving legitimate objectives. In particular, it requires that, among several appropriate measures, the provision adopt the one that is least restrictive of the competing rights and not impose burdens disproportionate to the pursuit of those objectives (**Judgment No 70**).

The principle of proportionality is applied particularly frequently in criminal and sanctioning law.

The provisions on international adoption that exclude single persons from eligibility disproportionately restrict the prospective parent's interest in participating in adoption, an institution inspired by a principle of social solidarity aimed at the protection of children ([Judgment No 33](#)).

Conversely, a provision stipulating that definitively established breaches of obligations relating to the payment of taxes and duties are “serious” only if the unpaid amount exceeds €5,000 – resulting in exclusion from participation in procurement procedures – is not disproportionate (**Judgment No 138**).

Moreover, the Court of Justice (judgment of 8 March 2022, Case C-205/20) attributed direct effect in national legal systems to Article 49(3) CFREU (on the principle of proportionality). This gives national courts the power to disapply, even in part, any national provisions which, within the context of EU law, would impose sanctions disproportionate to the seriousness of the offence ([Judgment No 7](#)).

For the application of the principle of proportionality in criminal law, see § 8.2. below.

3.7. Referendums

The Court examined six referendum requests declared admissible by the Central Referendum Office of the Court of Cassation.

Five of these were declared admissible: those concerning citizenship (**Judgment No 11**), unlawful dismissals (**Judgment No 12**) and related compensation (**Judgment No 13**), fixed-term employment contracts (**Judgment No 14**), and the liability of contractors or subcontractors (**Judgment No 15**).

The referendum duly took place but without the required quorum being reached.

However, the request for a referendum on the repeal of Law No 86/2024, containing provisions for the implementation of differentiated autonomy for the ordinary regions pursuant to Article 116(3) of the Constitution, was declared inadmissible (**Judgment No 10**), essentially due to lack of clarity as to the subject matter and purpose of the question, given that the law had already been the subject of Judgment No 192/2024, which included numerous declarations of unconstitutionality.

Specifically, following the unconstitutionality ruling, the scope of potential transfers to the Regions was reduced (limited to specific functions rather than to entire subject matters) and the requirement that essential levels of services (ELS) concerning civil or social rights be identified in advance was reinforced. Consequently, the subject matter of the question became objectively unclear; what was originally a request to repeal the entirety of Law No 86 ultimately came to concern only the remaining portions after the numerous and complex amendments introduced by Judgment No 192/2024. This compromised the possibility of a free and informed choice by the electorate, as guaranteed by the Constitution.

The evident vagueness of the question also created insurmountable uncertainty as to the referendum's actual purpose, with the risk that it might amount to something else entirely: offering voters the option of expressing a preference not on an ordinary law – albeit as amended by the Court's ruling – but for or against differentiated regionalism, a possibility expressly envisaged by the Constitution (Article 116(3)).

4. European and supranational law

European Union law featured prominently in numerous rulings (§ 4.1.), including in relation to the Charter of Fundamental Rights (§ 4.2.).

Similarly, the provisions of the European Convention on Human Rights (ECHR) consistently feature in the Court's case law (§ 4.3.).

International agreements may also constitute interposed norms in questions of constitutionality (§ 4.4.).

4.1. European Union law

In the sphere of European Union law, the most recent case law has confirmed that a question arising in relation to interposed norms constituted by EU legislation must possess a “constitutional character” in order to be admissible.

The Court reaffirmed the principle that, where a court identifies an incompatibility between national law and directly applicable EU law, and the question has a “constitutional dimension”, it may refer a question of constitutionality for violation of Article 117(1) and Article 11 of the Constitution – a question which the Court may uphold (**Judgment No 1**). An ordinary court may also, where the conditions are satisfied, disapply the national legislation, following, if necessary, a preliminary reference to the Court of Justice under Article 267 TFEU.

The national court thus faces a choice: where it identifies an incompatibility between national law and a provision of EU law with direct effect, and the question also has a “constitutional dimension”, it may either disapply the national legislation, in the specific case – subject to a possible preliminary reference to the Court of Justice in the event of doubt as to the interpretation or validity of the relevant EU provision – or raise an

incidental question of constitutionality ([Judgment No 7](#)). This creates a concurrence of judicial remedies, both grounded in the principle of the primacy of EU law.

Conversely, in a dispute between private parties, the ordinary court may not disapply a national provision imposing an indirect tax merely because it conflicts with a clear, precise and unconditional provision of a directive that has not been, or has been incorrectly, transposed (**Judgment No 43**).

With regard to directly applicable European Union law, the Court is entitled to respond, using the tools at its disposal – which include a wide range of decision-making techniques –, to challenges concerning a violation of a European provision linked to interests or principles of constitutional significance, thus ensuring the “constitutional dimension” of the question raised. In a system of concurrent remedies, designed to ensure the full effectiveness of EU law and, by definition, to preclude any form of exclusion, it is for the referring court to determine the most appropriate remedy, taking into account the specific circumstances of the case before it (**Judgment No 1**).

The principle of equal treatment of long-term residents and nationals of the Member State in which they reside was found to have been violated. Specifically, the “long-term residents, who, although able to claim the five-year period necessary to obtain the EU long-term residence permit, are less likely to accumulate the ten years of residence required by the contested provision” were disadvantaged. A provision of the Autonomous Province of Trento requiring residence in Italy for at least ten years in order to qualify for public housing benefits (allocation of affordable housing and a supplementary rent allowance) was therefore declared unconstitutional. The Court thus directly assessed the incompatibility of the national provision with EU law, whose violation, once established, renders the provision unconstitutional (**Judgment No 1**).

Similarly, through the Court’s direct finding of incompatibility with European law, it was held that the provincial surcharge on the subsequently repealed excise duty on electricity did not meet the requirement of a specific purpose under EU law, since the enabling provision provided only for a general allocation of the revenue to the provinces. Accordingly, Articles 11 and 117(1) of the Constitution were found to have been violated with regard to Article 1(2) of Directive 2008/118/EC (**Judgment No 43**).

It is also possible for the Court itself, where it has doubts as to the scope of a European provision, to make a preliminary reference for interpretation to the Court of Justice – as it did when necessary.

The question of the compatibility with EU law of the temporary solidarity contribution introduced by the national legislature in 2022 and levied on operators in the energy sector was referred to the Court of Justice for a preliminary ruling ([Order No 21](#)). The national legislation had introduced a measure equivalent to the temporary solidarity contribution provided for in a European regulation as an emergency measure to address high energy prices. The Court observed that, in adopting an equivalent measure, the national legislature had imposed a levy on the cyclical windfall profits realised in 2022 by an additional set of entities not covered by the Regulation for the purposes of applying the solidarity contribution.

In addition to declaring a provision unconstitutional where it conflicts with EU law, or making a preliminary reference for interpretation, other outcomes are possible.

In one respect, the Court may adopt an interpretation of national law different from that assumed by the Court of Justice in order to declare it incompatible with EU law.

The Court stated in general terms that “if it is indisputable that the Court of Justice is responsible for interpreting the Treaties and secondary legislation in order to ensure their uniform application in all Member States, it is equally indisputable that the interpretation of the Constitution is reserved for this Court, just as the function of *nomofilachia* – the uniform application of national law – belongs to the Court of Cassation, both of which are oriented towards ensuring legal certainty”. The Court (**Judgment No 31**) therefore held that the basic income scheme (*reddito di cittadinanza – rdc*) – repealed with effect from 1 January 2024 – is not of a welfare nature, as it is not directed at satisfying a primary need of the individual: it is, in fact, a temporary active employment policy measure, subject to specific obligations and above all to strict conditions which, if not met, result in the loss of entitlement to the benefit. Accordingly, “no obstacle arises from the recent judgment of the Court of Justice of the European Union, Grand Chamber, of 29 July 2024, in Joined Cases C-112/22, C.U. and C-223/22, N.D. In that judgment, the Court of Justice, as is its custom, interpreted EU law but did not review the accuracy or otherwise of the interpretation of national law as provided by the referring court”, which had instead considered the *rdc* to be of a welfare nature.

The Court consistently invokes Article 117(1) of the Constitution, which states that legislative power is exercised by the State and the Regions in compliance, *inter alia*, with the obligations arising from EU law.

Article 11 of the Constitution must also be taken into account whenever a national law is alleged to be contrary to a provision of EU law, since the limitations on sovereignty derive from that constitutional provision (**Judgments Nos 24 and 43**).

It is on the conditions governing the legitimacy of limitations of sovereignty that the counter-limits doctrine rests; last year – as in preceding years, with the exception of Order No 163/2023 – it was neither invoked nor abandoned.

Nonetheless, the Court’s increasingly active role in European matters since Judgment No 269/2017, and its dialogue with the Court of Justice through preliminary references for interpretation have rendered the doctrine itself less prominent.

For its part, *reductio ad legitimitatem*, i.e. the reduction of a challenged provision to constitutional conformity, may take place in many ways, reflecting different systemic choices, and is, as such, left in the first instance to the legislature’s discretion.

The Court held that the current mechanism for determining the minimum tax burden (*onere fiscale minimo* – OFM) applied to the sale of cigarettes “presents clear shortcomings with regard to the principle of proportionality, since it unduly and unnecessarily restricts the freedom to set prices which Directive 2011/64/EU grants to cigarette manufacturers”. This constitutes a disproportionate and unnecessary effect in relation to the purpose for which Directive 2011/64/EU permitted the establishment of the OFM – namely, to safeguard health by preventing excessively low prices from encouraging consumption. It is, however, for the legislature to amend the current calculation mechanism, which penalises manufacturers of lower-range cigarettes (**Judgment No 183**).

4.2. *The Charter of Fundamental Rights of the European Union*

The Charter of Fundamental Rights of the European Union (CFREU) has repeatedly been invoked as an interposed norm in questions of constitutionality where the dispute before the Court falls within the scope of EU law.

A joint violation of the CFREU and of the Constitution is entirely possible.

The Court held that Article 2641(2) of the Civil Code is, insofar as it provides for the mandatory confiscation of a sum of money or assets of equivalent value to those used to commit the offence, contrary to the principle of proportionality of the sentence, as enshrined in Article 49(3) CFREU – which expressly stipulates that penalties must not be disproportionate to the offence – and as set out in Articles 3 and 27(1 and 3) of the Constitution (**Judgment No 7**). For the application of the principle of proportionality in criminal law, see § 8.2. below.

In finding a violation of Articles 16 and 17 CFREU, the Court (**Judgment No 104**) further clarified that the unconstitutionality of the challenged provision was also assessed in the light of the Court of Justice’s consistent case law. According to that case law, whilst Member States are free to set the objectives of their gambling policy and, where appropriate, to clearly define the level of protection sought, any restrictions they impose on the freedom to provide services must nonetheless satisfy the proportionality conditions established by the Court of Justice.

4.3. *The European Convention on Human Rights*

In the Court’s case law, the European Convention on Human Rights (ECHR), applicable within the Council of Europe, continues to hold particular significance, establishing a uniform system for the protection of fundamental rights as interpreted by the European Court of Human Rights (ECtHR) in its rulings. In principle, however, the Constitutional Court does not need to await a specific ECtHR ruling to find a violation of the Convention’s provisions as interposed norms.

This is all the more true in the case of Convention rights such as Article 8 ECHR, which protects private life – understood as the freedom of self-determination – and imposes on the Contracting States not only negative but also positive obligations. Accordingly, the absence of an ECtHR ruling censuring the exclusion of single persons from eligibility for international adoption does not preclude an assessment of a violation of Article 8 ECHR in conjunction with Article 2 of the Constitution (**Judgment No 33**). The Court therefore declared unconstitutional Article 29-*bis*(1) of Law No 184 of 4 May 1983 insofar as it does not include single persons resident in Italy among those who may submit a declaration of willingness to adopt a foreign child

residing abroad and apply to the family court of the district in which they reside for a declaration of their suitability for adoption.

A violation of Article 1 of the Additional Protocol to the ECHR, as well as of other norms, was found in respect of the provision prohibiting the making available of equipment that enables access to both legal and illegal gambling – that is, gambling practised outside the network of licensed operators or authorised entities. The provision applied equally both to equipment used occasionally for gambling and to that used exclusively and permanently (**Judgment No 104**).

4.4. International agreements

Compliance with international obligations is required of both national and regional legislatures (Article 117(1) of the Constitution).

In the course of 2025, the United Nations Convention against Corruption (the Mérida Convention) and the Strasbourg Convention on Corruption were of particular relevance, having been concluded within the framework of the United Nations and the Council of Europe respectively.

The Court held that the repeal of the offence of abuse of office by Law No 114/2024 does not conflict with the Mérida Convention (**Judgment No 95**), which does not require States to introduce or maintain the criminalisation of conduct constituting abuse of office, where this is compatible with the general principles of the national legal system.

The obligation extends only to “considering” such an introduction, that is, to verifying whether criminalisation is compatible with the general principles of the national criminal legal system.

The Convention has, in fact, entrusted to the prudent discretion of the legislature of each State the comparative assessment of the expected benefits and the possible adverse consequences of criminalising conduct constituting abuse of office. The overall system for the prevention and suppression of conduct constituting abuse of office by public officials therefore falls within the legislature’s discretion.

The Court – examining the individual provisions of the Convention invoked by the referring courts – excluded that any obligation to criminalise conduct constituting abuse of office could be derived from them, an offence not uniformly present in the criminal laws of all signatory States. The Court added that it may not review the overall effectiveness of the resulting system for preventing and combating abusive conduct by public officials by substituting its own assessment for that of the legislature.

In conclusion – the Court stated – “whether the undoubted gaps in criminal protection resulting from the abolition of the offence [...] can or cannot be regarded as offset by the benefits which the legislature intended to achieve, as clearly set out in the preparatory works to the reform, is a matter falling exclusively within the political responsibility of the legislature and is not justiciable before this Court by reference to the constitutional and international principles examined”.

The reform of the offence of trading in improper influence, introduced by the same Law No 114/2024, also withstood constitutional scrutiny, with the Court holding that the international obligations arising from the Strasbourg Convention on Corruption were not breached (**Judgment No 185**).

The Court acknowledged that Article 12 of the Strasbourg Convention imposes on the legislature an obligation to provide for the offence of trading in improper influence in Italian criminal law. It held, however, that the concept of “improper influence”, used in the Convention (which describes the offence as the act of a person offering, promising or paying money to an intermediary so that they may exercise “improper influence” over a public official), has vague contours, which must necessarily be specified by the national legislature.

Accordingly, the Italian legislature’s decision to provide a restrictive interpretation of “trading in influence”, anchored to the requirement that the agreement between the parties concern the commission of an offence by the public official, falls, according to the Court, “within the discretion that the Strasbourg Convention itself leaves open to the national legislature, which is called upon to concretise the general clauses contained in the international instrument in accordance with the principles of its own legal system, including the constitutional principle of precision in criminal law”.

Another international agreement cited as an interposed norm is the Istanbul Convention on preventing and combating violence against women and domestic violence, ratified by Italy in 2013, which prohibits States

Parties from making criminal proceedings for acts of physical violence against women dependent on the filing of a complaint by the victim and provides that such proceedings must continue even where the victim withdraws her complaint (**Judgment No 9**).

5. The protection of constitutional rights

Constitutional rights protection has arisen across multiple areas: from civil liberties to the family, from employment to business, from electoral rights to the professions.

5.1. Civil liberties and the right to assisted suicide

The profoundly sensitive issue of end-of-life care – which engages the broader question of freedom of self-determination – has once again come before the Court, which confirmed that it is not unconstitutional – following Judgment No 242/2019 – to make the non-punishability of assisted suicide subject to the requirement that the person, on medical assessment, requires life-sustaining treatment (**Judgment No 66**).

The Court also reiterated that the requirement of dependency on life-sustaining treatment is already met where there is a medical indication of the need for such treatment in order to ensure the maintenance of the patient's vital functions. This is so, in particular, whenever it must be considered that the omission or interruption of such treatment would foreseeably result in the patient's death within a short period of time, without prejudice to the requirement that, for the purposes of access to medically assisted suicide, all the other substantive and procedural conditions set out in Judgment No 242/2019 are satisfied. The patient is therefore not required to initiate treatment for the sole purpose of subsequently receiving assistance in dying.

The Court recalled that it is a specific duty of the Republic to guarantee “adequate forms of social support, healthcare and continuous home-based social and healthcare assistance, because the presence or absence of these forms of assistance conditions the choices of the sick person and may constitute the dividing line between the choice of life and the request for death”.

Lastly, the judgment “strongly reiterated the hope [...] that the legislature and the National Health Service will act promptly to ensure full and timely implementation of what was established in Judgment No 242/2019, without prejudice to the possibility for the legislature to enact different legislation in accordance with the requirements reiterated once again in this ruling”.

Moreover, in a subsequent decision (**Judgment No 132**), the Court stated that a person in respect of whom the conditions for access to the end-of-life option have been verified “has a legally protected right, as a corollary of their freedom of self-determination, and specifically has the right to be supported by the National Health Service in the medically assisted suicide procedure, a right which, according to the principles governing the service, includes the procurement of suitable devices, where available, and assistance in their use”. The National Health Service is bound to do so – the judgment emphasised – “in the performance of a necessary role of safeguarding which is, above all, the protection of the most vulnerable persons”.

Provisions on medically assisted suicide, implementing the Court's rulings, were introduced by Tuscany Regional Law No 16/2025, which is the subject of proceedings brought by direct application.

The Court (**Judgment No 204**) held, on the one hand, that the law – regulating the activity of the Tuscan local health authorities – falls within the field of health protection, a matter of concurrent legislative competence of the Regions under Article 117(3) of the Constitution.

The exercise of that competence by the regional legislature cannot be regarded as precluded by the State's failure – notwithstanding the Court's repeated exhortations – to enact legislation providing comprehensive regulation of access to medically assisted suicide throughout the national territory.

On the other hand, the Court declared several of the law's provisions unconstitutional, such as those allowing the application for access to medically assisted suicide to be submitted by a

representative of the person concerned, and those setting strict time limits for verifying the prescribed requirements.

Similarly, the provision requiring local health authorities to ensure technical and pharmacological support, as well as healthcare assistance for the preparation of the medicinal product authorised for self-administration, was declared unconstitutional. That provision encroaches upon the State's exclusive competence to lay down fundamental principles in the field of health protection.

5.2. *The family and the status of persons*

Citizenship pertains to the status of the individual.

The legislature enjoys “a particularly wide margin of discretion” in determining the conditions for the acquisition of citizenship, whereas it is for the Court to verify that the rules governing the acquisition of *status civitatis* do not resort to criteria entirely alien to constitutional principles or in conflict with them ([Judgment No 142](#)).

It is not permissible for the Court to intervene so as to limit the acquisition of citizenship by descent through a manipulative-type judgment involving choices among multiple possible options, each characterised by a wide margin of discretion and having significant systemic implications ([Judgment No 142](#)).

The Court rejected the parties' requests that it rule on the new legislation – introduced while the proceedings were pending, by Decree-Law No 36/2025, converted into Law No 74/2025 – which imposed limits on the acquisition of citizenship *iure sanguinis*. It clarified that those provisions were not applicable in the proceedings in which questions of constitutionality had been raised.

5.3. *Adoption*

The Court has ruled on adoption on several occasions.

In particular, in [Judgment No 33](#), the Court declared unconstitutional the exclusion of single persons from the international adoption of minors. Single persons may also adopt foreign minors in a situation of abandonment, given that the single-parent family model is also recognised in the Constitution.

The Court observed that single persons are, in principle, capable of providing a stable and harmonious environment for a child in a situation of abandonment, and that it is for courts to assess, on a case-by-case basis, the prospective parent's emotional suitability and capacity to educate, instruct and provide for the child.

The governing criterion is always the best interests of the child. That assessment may also take into account the prospective parent's family support network.

The best interests of the child also underpin **Judgment No 55**: the Court declared Article 34(2) of the Criminal Code unconstitutional insofar as it does not allow the court to assess in real terms whether – following a conviction for the offence of domestic abuse committed in the presence of, or to the detriment of, minors, with abuse of parental responsibility (Article 572(2) of the Criminal Code) – it is in the child's best interests also to impose the penalty of suspension from the exercise of parental responsibility.

A child adopted in the context of special cases adoption may take only the adoptive parent's surname, replacing their original surname, provided this is in their best interests, reflects their actual personal identity and all parties concerned consent (**Judgment No 210**).

In adult adoption however, the adopted person's surname may not be replaced with that of the adopter (**Judgment No 53**).

With regard to the adoption of an adult, any tempering of the prohibition on adoption where the adopter has minor children would require systemic changes reserved to the legislature. That automatic bar prevents “an assessment of the strength of the bonds of cohabitation and mutual affection already existing between the adoptee and the adopter's minor children, and thus of the latter's own interests in the legal recognition of such bonds as representative of their identity”. Its removal would, however, entail a systemic change, implying a reconsideration of the entire framework governing the institution “in the light of the various contributions of constitutional case law on the matter”: a reconsideration which, by virtue of its strongly manipulative nature, falls exclusively within the remit of the legislature (**Judgment No 215**).

In proceedings for a declaration of a child's adoptability, the fees of court-appointed counsel for an insolvent parent must be advanced by the State in the same way as those of court-appointed counsel for a parent whose whereabouts are unknown (**Judgment No 58**).

5.4. Assisted reproductive technology

Article 8 of Law No 40/2004 was declared unconstitutional insofar as it does not provide that a child born in Italy to a woman who has had recourse to assisted reproductive technology (ART) techniques abroad, in accordance with the law in force there, is also recognised as the child of the other woman who likewise gave prior consent to the use of those techniques and to the associated assumption of parental responsibility (**Judgment No 68**).

Preventing a child born in Italy from obtaining, from birth, the status of a child also recognised as that of the woman who consented to the fertilisation procedure abroad together with the child's biological mother does not ensure the best interests of the child and constitutes a violation: *a)* of Article 2 of the Constitution, due to the infringement of the child's personal identity and of their right to be recognised from birth as having a certain and stable legal status; *b)* of Article 3 of the Constitution, due to the unreasonableness of the current legislation, which finds no justification in the absence of a countervailing constitutional interest; *c)* of Article 30 of the Constitution, because it infringes the child's rights to have recognised, from birth and in relation to both parents, the rights connected with parental responsibility and the corresponding obligations towards children.

The legislative choice, however, to preclude single women from access to assisted reproductive technology (ART) does restrict self-determination in relation to parenthood, but not in a manifestly unreasonable or disproportionate manner (**Judgment No 69**). Within the current regulatory framework, precluding a woman from accessing ART on her own remains justified by reference to the precautionary principle aimed at protecting future children. It is, in fact, in their interest that the legislature has considered it appropriate "not to endorse a parenting plan leading to the conception of a child in a context which, at least a priori, excludes the figure of the father".

The position of the intended mother has also arisen in the context of employment protection.

Judgment No 115 recognised that a female employee, as the intended mother in a female couple registered as parents in the civil registry, is entitled to compulsory paternity leave. The Court held it to be manifestly unreasonable that different-sex parental couples should be treated differently from couples composed of two women recognised as parents of a child born through ART techniques carried out abroad in accordance with the *lex loci*.

5.5. De facto unions

The protection afforded to *de facto* cohabitants has been further developed in case law.

The provision that did not include *de facto* cohabitants among those entitled to special leave to care for a person requiring intensive support, on an equal footing with cohabiting spouses, was found to be unconstitutional (**Judgment No 197**).

That recognition extended to the period prior to the entry into force of Legislative Decree No 105/2022, which provided for the right to special leave for workers who are *de facto* cohabitants of a person with a disability requiring intensive support.

It was also held that a *de facto* cohabitation relationship does not preclude entitlement to family allowance (**Judgment No 120**). The Court declared the questions of constitutionality unfounded in relation to the provision establishing that family allowance (*assegno per il nucleo familiare* or ANF) is not payable to the employer's spouse, without, however, excluding entitlement to the benefit in cases of *de facto* cohabitation between the employer and the employee. The challenged provision is not contrary to Article 3 of the Constitution for failing to treat a *de facto* cohabitant as equivalent to a spouse for the purposes of exclusion from the benefit, since, for the purposes of both the grant and the calculation of the allowance, the family unit includes only the spouse. The rules governing the ANF are therefore internally consistent, given the coherence between the non-inclusion of cohabitation for the purposes both of granting the allowance and of excluding entitlement to it.

5.6. Private and public sector employment

The Court has again ruled on the provisions governing individual dismissals.

The provision of Legislative Decree No 23/2015 was declared unconstitutional. It provided that, in the case of unlawful dismissals in small businesses, compensation could in no case exceed six months' remuneration, calculated on the basis of the last salary used for the purposes of calculating severance pay per year of service (**Judgment No 118**).

The ruling applies to employers who do not meet the size requirements set out in Article 18(8) and (9), of the Workers' Statute, namely those employing no more than fifteen workers at a single production unit or within a municipality, and in any event no more than sixty employees in total.

According to the Court, the imposition of this fixed and absolute upper limit on compensation, regardless of the degree of unlawfulness of the dismissal – in addition to the halving (which remains in force) of the amounts specified in Articles 3(1), 4(1) and 6(1) of the aforementioned Legislative Decree No 23/2015 – confines the amount of compensation within so narrow a range that it does not allow the court to comply with the criteria of personalisation, adequacy and appropriateness of the compensation for the harm suffered by the unlawfully dismissed worker, nor to ensure that the compensation serves as a deterrent against unlawful dismissal by the employer.

Similarly, the requirement to challenge a dismissal extrajudicially within sixty days of receiving the relevant notice runs contrary to the Constitution when the employee is in a state of natural incapacity (**Judgment No 111**). The Court observed that the requirement of a prior challenge, including out of court, provided for under penalty of forfeiture by the challenged provision, can be attributed to the broad discretion enjoyed by the legislature in shaping procedural rules and is founded on the need to ensure that disputes concerning the employer's termination are raised promptly; however, it may constitute an obstacle to access to judicial protection where, at the time of receiving the notice of dismissal, or in any event during the sixty-day period for challenging it, including out of court, the employee is unable to understand the significance of the dismissal or to decide what steps to take.

However, it was held not to be unconstitutional that the prohibition on individual dismissals for economic reasons during the COVID pandemic was not extended to managers, there being constitutionally sound reasons justifying the differential treatment afforded to that category, for whom collective dismissals during the pandemic were subject to a "freeze" in any case (**Judgment No 141**).

Reference was made to the worker's right to proportionate and adequate remuneration in the ruling which declared unconstitutional the provision requiring, solely in respect of staff of the National Labour Inspectorate, the deduction of a bonus allowance from the sums to be paid for 2022 by way of equalisation of the administrative allowance; that provision had unreasonably effected a set-off between "emoluments of an entirely different nature and function" and had also constituted a "violation of the reservation to collective bargaining in matters of remuneration" (**Judgment No 4**).

As regards the determination of compensation, the severance payment (whether a service bonus or severance pay) actually payable to the employee at the time of the unlawful termination is not relevant. No account must be taken of the employee's failure to opt to switch from the service bonus scheme to the severance pay scheme; that relates to the ordinary course of termination of the employment relationship and not to the unlawful termination of the relationship itself (**Judgment No 144**).

An important ruling on trade union pluralism is **Judgment No 156**.

The Court declared Article 19(1) of Law No 300/1970 (the Workers' Statute) unconstitutional insofar as it does not provide that company-level trade union representatives may be established on the initiative of workers in every production unit also within trade union associations that are comparatively more representative at national level, even where such associations have neither signed a collective agreement applicable to that production unit, nor participated in the relevant negotiations.

The Court found a breach of the principles of reasonableness and pluralism, enshrined in Articles 3 and 39 of the Constitution, arising from the risk that the criterion of signing a collective agreement or participating in its negotiation might, in practice, be distorted so as to exclude from collective bargaining – and thus from the exercise of trade union prerogatives – a workers' association that is in fact genuinely representative.

In identifying the normative benchmark for *reductio ad legitimitatem*, the Court considered it necessary to refer to the concept of “trade union associations that are comparatively more representative at national level”, a key point of reference in recent legislation on industrial relations.

5.7. Social security, welfare and pension benefits

The mechanism for “cooling” the automatic revaluation of pensions introduced by the 2023 Budget Law is not unlawful (**Judgment No 19**).

These provisions, in introducing measures to “cool” the automatic revaluation of pensions exceeding four times the minimum set by the National Institute for Social Security (*Istituto Nazionale della Previdenza Sociale* – INPS), do not violate the principles of reasonableness, proportionality and adequacy that safeguard pension entitlements.

The mechanism is not unreasonable: it fully safeguards the lowest pensions and, for a limited period, progressively reduces the indexation rate for higher pensions as their amounts increase, given their greater resilience to inflation.

The Court then clarified that the “cooling” mechanism for the automatic adjustment of pension benefits exceeding four times the INPS minimum, provided for in Article 1(309) of Law No 197/2022 (the 2023 Budget Law), does not constitute a tax levy (**Judgment No 167**).

In particular, the revaluation nonetheless recognised by the challenged provision does not amount to a reduction in the taxpayer’s assets, despite the “carry-over” of the related effects over time. Pensions already received are in any case increased, albeit at a lower rate than under the ordinary automatic indexation scheme.

On the other hand, the Court declared unconstitutional the provision that does not exclude the ordinary disability pension, calculated entirely under the contributory system, from the prohibition on applying the minimum top-up to all pension benefits (**Judgment No 94**).

That allowance has always been subject to specific and more favourable regulations, given that it is intended to address a state of need deserving of particular protection: not automatic alignment with the INPS minimum pension, but the addition of an amount – equal to that of the social pension, later replaced by the social allowance – borne entirely by the social fund, now replaced by the Management of Assistance and Support Measures for Social Security Funds (*Gestione degli interventi assistenziali e di sostegno alle gestioni previdenziali* – GIAS).

Consequently, the elimination of the minimum top-up for the ordinary disability allowance calculated under the contributory system – introduced by the 1995 reform – does not, according to the Court, serve the reform’s main objective of financial sustainability of the social security system, since the additional protection afforded by the minimum top-up was already financed through general taxation, as welfare benefits generally are.

Conversely, the special regime governing the garnishment of pensions withstood constitutional scrutiny.

The provision allowing INPS to garnish pensions – up to one-fifth of their amount and subject to the safeguard of the minimum pension level – for the purpose of recovering debts arising from undue benefits or unpaid contributions was held not to be unconstitutional (**Judgment No 216**).

As regards the alleged unreasonable disparity in treatment compared to the provision set out in Article 545(7) of the Code of Civil Procedure, the Court observed that the special character of the challenged provision is justified by the specific nature of the claims protected: the recovery of undue social security payments and unpaid contributions “serves, in fact, to restore resources of which the pension system has been deprived and which are necessary for its own sustenance”.

Nor does the provision whereby an employer who fails to pay social security and welfare contributions on employees’ wages, below the threshold of €10,000 per annum, is subject to an administrative fine ranging from one and a half to four times the amount withheld violate the principle of proportionality (**Judgment No 103**).

5.8. Property rights

Property rights are central to **Judgment No 37**, which declared unconstitutional the provisions of the Autonomous Province of Bolzano concerning the ten-year duration of pre-expropriation restrictions, reducing their validity period from ten to five years.

The judgment notes that Article 9(2) of the Consolidated Building Act (Presidential Decree No 327/2001) sets the duration of pre-expropriation restrictions at five years, consistent with the equivalent provision of Law No 1187/1968. Regions with a special statute and autonomous provinces, in exercising their exclusive legislative competence in urban planning matters, may establish a different duration, provided that it is based on justifiable reasons linked to needs arising from specific social conditions.

5.9. Enterprise and economic initiative

The special provision introducing the so-called preferential tier (*scalino preferenziale*) mechanism for public funding of local television broadcasters withstood constitutional scrutiny, as the legislature struck a reasonable balance between the protection of competition and media pluralism (**Judgment No 44**).

The Court held that the provision – under which 95 per cent of the funds allocated to local television broadcasters are awarded to the top 100 in the ranking and the remaining 5 per cent to those ranked thereafter – does not violate the principles of media pluralism and competition.

The preferential tier mechanism is designed to overcome the logic of mere financial support for the numerous local broadcasters, aiming – not unreasonably – to improve the quality of information, encourage the use of innovative technologies, and support employment in economically stable undertakings capable of competing in the market.

Article 34-*bis*(7) of the Anti-Mafia Code is, however, unconstitutional insofar as – by providing for the suspension of the effects of the anti-Mafia interdiction order following admission to the preventive measure of judicial supervision – it does not provide for such suspension to continue, where the outcome is positive, until completion of the procedure for updating the interdiction order by the prefect (**Judgment No 109**).

The Court found the system unreasonable and contradictory: even where judicial supervision concludes successfully, the effects of the interdiction resume immediately, pending the necessary reassessment by the prefect as to whether Mafia influence has persisted or been overcome. This risks nullifying the results achieved through the monitored activity, as it may lead both to an irreversible economic crisis for the economic operator and to their renewed proximity to criminal organisations.

Similarly, the dissolution of cooperatives was declared unconstitutional where it is ordered solely on the basis of failure to comply with the supervisory authority's requests, and thus without any verification of whether their mutualistic aims have actually been achieved; this constitutes a disproportionate administrative sanction which violates the social function of cooperatives (**Judgment No 116**).

The restriction on the intended use of hotel facilities also infringes the freedom of private economic initiative when it fails to take account of the economic viability of the activity (**Judgment No 143**). Article 2(2) of Liguria Regional Law No 1/2008, as replaced by Article 2(4) of Liguria Regional Law No 4/2013, was therefore declared unconstitutional insofar as it did not permit owners of properties subject to a specific restriction on use as a hotel to submit a reasoned and documented application for removal of the restriction together with an indication of the new intended use, where the economic and operational unviability of the accommodation establishment has been demonstrated.

The Court, however, declared unfounded the questions of constitutionality raised with reference to Articles 3 and 41 of the Constitution, concerning Article 22(6) of Tuscany Regional Law No 61/2024, which allows hotels, for the purposes of increasing their accommodation capacity and up to a limit of 40 per cent, to include in their operations residential properties at their disposal, located within a radius of two hundred metres, and grants municipalities the power to set a lower percentage (**Judgment No 186**). According to the Court, the challenged provision confirms the general municipal function of regulating land use within its territory and preserves the possibility for individual municipalities to moderate the expansion of hotel activity, taking local needs into account.

The challenges raised against another law of the Tuscany Region concerning “corrective provisions regarding hiking lodges, guesthouses and bed and breakfasts” were likewise held to be unfounded (**Judgment No 218**). The challenged provision requires compliance, with effect from 1 January 2026, with the rules laid

down in Article 41(4) of Tuscany Regional Law No 61/2024, pursuant to which “[t]he activity of running a guesthouse, bed and breakfast, or historic residence carried out by the same person [...] in several accommodation units within the same building may not, in any event, exceed the number of rooms and the accommodation capacity of a single unit”.

As regards motorway tolls, the provisions postponing tariff adjustments for the years 2020, 2021, 2022 and 2023 pending the new economic and financial plans were declared unconstitutional (**Judgment No 147**).

The principle of administrative continuity was found to have been violated; this principle requires the avoidance of any delay that is not strictly necessary for safeguarding the public interest served by the relevant proceedings and that may, in so doing, unjustifiably prejudice the interests of private parties. Motorway concessions are, in fact, contractual in nature and are governed by the relevant agreement, through which the administrative function is exercised by mutual consent rather than by administrative act: the procedure for adjusting tariffs cannot therefore be unilaterally altered to the detriment of one party alone, thereby altering the contractual equilibrium.

The failure to provide for the suspension of the limitation period, in relation to liability actions brought against the directors of unrecognised associations while they remain in office, is also unconstitutional (**Judgment No 86**).

There is an unreasonable disparity in treatment both in relation to recognised associations and to limited partnerships and general partnerships. With regard to the latter, the Court has already declared the same provision unconstitutional in Judgment No 322/1998 and Judgment No 262/2015.

According to the Court, the rationale for the suspension of the limitation period also applies in the case of unrecognised associations, namely the difficulty for the entity of ascertaining directors’ wrongful acts and of bringing proceedings against them while they remain in office.

5.10. Electoral law

The Puglia Region’s provision imposing excessively early resignation deadlines on mayors and provincial presidents as a condition for removing their ineligibility for regional office is unconstitutional, as it results in an unreasonable and disproportionate restriction of the right to stand for election (**Judgment No 131**).

The disproportion – the Court observed – stems both from the considerable advance of the regional deadline relative to the date for submission of candidacies and from its indiscriminate application to all mayors, whereas other regional laws set much shorter deadlines and limit ineligibility to mayors of municipalities above certain population thresholds.

The provision declared unconstitutional stipulated that resignations must take place no later than 180 days before the natural expiry of the regional council’s term of office – that is, five years from the date of the elections – or not later than seven days from the date of the regional council’s early dissolution, should this occur before the final six months of the five-year term.

The Court held this provision to be unreasonable and disproportionate, as well as detrimental to the right to stand for election, in violation of Articles 3 and 51 of the Constitution.

However, the use of the D’Hondt method for the composition of hunting management committees is not unconstitutional (**Judgment No 82**).

The Court declared unfounded the questions of constitutionality concerning Article 3(3) of Abruzzo Regional Law No 11/2023, which provides for a proportional electoral system for the composition of hunting management committees, using the so-called D’Hondt method to calculate the number of seats. This method involves dividing the number of votes obtained by each list – in this case, the number of members of each hunting association – by an increasing number of divisors (starting from one) up to the total number of seats to be allocated in the relevant constituency.

The protection of persons with disabilities underlies **Judgment No 3**, which declared unconstitutional the provisions that do not allow persons with disabilities to use a digital signature to endorse a list of candidates in elections.

Human dignity is compromised whenever the legal system itself, by virtue of a prohibition or a provision, effectively reduces a person who is capable of performing a specific activity by their own means to a person in need of assistance. The Court therefore declared the challenged provision unconstitutional insofar as it made no provision for voters who are unable to affix a handwritten signature due to a certified impossibility arising from a serious physical impediment, or because they are in a position to cast a home vote, to sign a list of candidates for elections using a qualified electronic signature.

5.11. Professions

The prohibition on removal from the register of lawyers pending disciplinary proceedings is unconstitutional (**Judgment No 70**).

Although that prohibition aims to prevent disciplinary proceedings from being rendered ineffective by withdrawal from the register, it means that, for the entire duration of the proceedings, the lawyer is unable to exercise constitutional rights and freedoms – such as the freedom to withdraw from the professional body, the right to receive certain social security or welfare benefits for which removal from the register is a legal requirement, and the freedom to take up a different occupation – which are exercised through withdrawal from the professional body or which in any event presuppose it.

The prohibition is therefore incompatible, first and foremost, with Article 2 of the Constitution, in that it restricts – albeit temporarily – the professional’s freedom to decide whether to remain on the register, preventing withdrawal even where the conditions are met for access to social security or welfare benefits, which require the law prior removal from the register.

It is also incompatible with Article 4 of the Constitution, in that it disproportionately restricts the freedom to work of a lawyer seeking removal from the register with the intention of ceasing to practise the profession and possibly undertaking a different occupation, where such activity is impeded by membership of the professional body.

5.12. Cultural heritage

The Cultural Heritage Code establishes a coherent and integrated framework for the protection of cultural heritage and objects of historical and artistic significance (**Judgment No 160**).

With regard to export authorisations for works of art of cultural interest, the Court declared the questions of constitutionality concerning Article 21-*nonies* of the Law on Administrative Procedure (Law No 241/1990) unfounded insofar as it establishes, as a general rule, a final time-limit of one year from the adoption of the unlawful act for the exercise, by the administration, of the power to annul on its own initiative unlawful administrative measures conferring benefits. Nor can it be held that the public interest in the protection of cultural heritage is infringed (**Judgment No 88**).

6. Foreign nationals and immigration

The position of foreign nationals has been examined in relation to preventing irregular immigration and ensuring compliance with the principle of equality.

6.1. Combating irregular immigration

With regard to countering irregular immigration, the new rules governing cassation proceedings concerning the validation of detention of foreign nationals subject to expulsion or applying for international protection, introduced by Decree-Law No 145/2024, converted into Law No 187/2024, were declared unconstitutional insofar as they prescribe that such proceedings are governed by the rules applicable to cassation proceedings in cases of consensual European Arrest Warrant procedures, under which the Court of Cassation sits in chambers, decides on the grounds of

appeal and on the requests of the Public Prosecutor General, without the participation of the parties (**Judgment No 39**).

In order to bring the challenged provision into conformity with the Constitution, the Court, identified the procedural framework governing ordinary European Arrest Warrant proceedings (rather than consensual proceedings), laid down in Article 22(3) and (4) of Law No 69/2005, as the relevant normative basis for reconstructing the operative portion of the provision that had been removed.

That procedure is not only a streamlined, simplified framework that ensures the prompt determination of cassation proceedings, but also a way to preserve the essential guarantees of judicial protection by affording the parties an opportunity to be heard.

The Court, however, held unfounded the questions raised concerning the order to detain vessels that fail to comply with requests for information and instructions issued by the authorities responsible for safeguarding life at sea (**Judgment No 101**).

Those provisions must be interpreted in conformity with constitutional principles and with obligations relating to the rescue of persons in distress at sea.

National legislation is, in fact, inextricably linked to the SAR Convention, which, in turn, forms an integral part of a body of rules aimed at safeguarding life at sea and based on mutual trust between States, “which can only be undermined by elements derived from official, current sources, based on objective data and recognised by the Italian Republic”.

A priority is therefore the designation of a safe port, “which safeguards respect for life, basic needs, freedom and absolute rights (the prohibition of torture and inhuman or degrading treatment)”.

In the light of these considerations, and by way of a constitutionally conforming interpretation, an order that would entail a breach of the primary obligation to save human life, and which would be liable to endanger it, cannot be regarded as binding; nor may non-compliance with such an order be subject to sanction.

The Court also rejected questions regarding the constitutionality of the mandatory application of the vessel detention measure. That punitive measure is neither unreasonable nor disproportionate, in that it penalises “those infringements which undermine the very purpose of safeguarding human life at sea, inherent in the SAR Convention, and which are capable of compromising, in the absence of lawful justification, the system of co-operation established by that Convention”.

With regard to the proceedings for the validation of the detention of a foreign national seeking international protection, the transfer of jurisdiction from the specialised sections of the court to the court of appeal was held not to be incompatible with the Constitution (**Judgment No 205**).

The Court excluded any violation of Article 25 of the Constitution, holding that the change in jurisdiction rests on predetermined and abstract criteria for determining jurisdiction *ratione materiae* and *ratione loci*, and, moreover, applies only to the future.

More generally, the Court held that it is for the legislature to supplement the existing rules governing detention in pre-removal detention centres (*centri di permanenza per il rimpatrio* – CPR) so as to bring them into conformity with the principle of statutory reservation in matters of personal liberty (**Judgment No 96**).

The Court reaffirmed that detention in CPRs entails “physical subjection to the power of others”, affecting personal liberty. It therefore ruled that the challenged provision infringed the absolute requirement of a statutory basis, holding that the challenged provision was wholly inadequate to define with sufficient precision the “matters” of the restriction, or the rights of persons detained during the period – which may also be lengthy – during which they are deprived of personal liberty, since these matters are left almost entirely to regulatory provisions and discretionary administrative measures.

The administrative expulsion of a foreign national during detention is administrative in nature and not related to custodial treatment (**Judgment No 73**).

This is not, however, an automatic form of expulsion, since the supervisory judge (*magistrato di sorveglianza*) is required to carry out a balancing of interests with regard to the effects of any expulsion on the personal and family circumstances of the person concerned, in compliance with the prohibitions on expulsion in cases of objective and subjective vulnerability laid down in Article 19 of Legislative Decree No 286/1998, to which Article 16(9) of the Consolidated Law refers.

In the context of expulsion, it was further held that the special bar to the proceedings laid down in Article 13(3-*quater*) of the Consolidated Law on Immigration cannot be raised after the preliminary hearing and the issuance of the order committing the defendant to trial (**Judgment No 187**). It cannot be regarded as illogical that, once the adversarial phase of the proceedings guaranteed by the preliminary hearing has been completed and the judge at that hearing has carried out the assessment of a reasonable prospect of conviction, the State's interest in continuing the trial in order to establish the defendant's possible guilt is deemed to prevail, even where the defendant has already been removed from the national territory as a result of expulsion, with the interest in preventing re-entry solely for the exercise of the right of defence being regarded at that point as subordinate.

6.2. Discrimination against foreign nationals

The principle of equality is breached by a provision that makes the acquisition of citizenship – whether by marriage or naturalisation – conditional upon knowledge of the Italian language at intermediate level for any foreign national, without providing any exemption for those who are in a situation of objective and duly documented impossibility of acquiring such knowledge on account of disability (**Judgment No 25**).

The legislation of the Autonomous Province of Trento, which requires ten years' residence in Italy in order to access public housing benefits, was also held to be discriminatory (**Judgment No 1**).

The ten-year residence requirement discriminates against foreigners and is therefore incompatible with Article 117(1) and (5) of the Constitution, in relation to Article 11(1)(d) and (f) of Directive 2003/109/EC, which, with regard to social benefits and access to housing, guarantees equal treatment for long-term residents as compared with nationals of the Member State in which they reside.

The exclusion from entitlement to the temporary allowance for minor children of holders of residence permits issued on the basis of an application for asylum is not, however, incompatible with the Constitution (**Judgment No 40**).

The judgment recalls that the Constitution requires equality of access to social assistance between Italian and EU citizens, on the one hand, and non-EU citizens, on the other, only in respect of services and benefits intended to meet a primary and essential need of the individual and to guarantee the inviolable rights of the person.

7. Taxation and tax proceedings

Tax law has featured prominently in the Court's rulings from both substantive and procedural perspectives.

7.1. IMU, ICI and other taxes

The provincial surcharge on the excise duty on electricity is unconstitutional when it does not satisfy the requirement of a specific purpose under European Union law, since the provision establishing it provides only for a general allocation of its revenue "in favour of the provinces" (**Judgment No 43**).

Accordingly, customers may bring an action for the recovery of undue payments directly against suppliers, who may, in turn, exercise a right of recourse against the State.

As regards import VAT, which does not constitute a customs duty, the cumulative application of sanctions (confiscation, tax and financial penalties) is unconstitutional as it is disproportionate (**Judgment No 93**).

The *reductio ad legitimitatem* was achieved by attaching weight to the offender's conduct, with the result that the goods forming the subject matter of the infringement are not confiscated where the liable party pays in full the amount evaded, together with ancillary charges, including interest and the financial penalty.

As with municipal tax (*imposta municipale propria* – IMU), the exemption from the municipal tax on real property (*imposta comunale sugli immobili* – ICI) for a principal residence requires that the taxpayer habitually resides there; it is not necessary that their family members do so (**Judgment No 112**).

ICI, like IMU, is a property tax based on possession, ownership or the holding of another real right in immovable property; it does not depend on the taxpayer's personal characteristics, i.e. their status, but attaches relevance exclusively to the objective characteristics of the property and, in particular, to the fact that the taxpayer habitually resides there.

Accordingly, the provision which, for the purposes of exemption from ICI in respect of the principal residence, requires not only the taxpayer's habitual residence but also that of their family members is unconstitutional since it results in a disadvantage for a married taxpayer who does not cohabit with their spouse, in breach of the principles of equality in taxation and protection of the family.

IMU is payable even where there is only the possibility of using the property (**Judgment No 49**).

The Court held that properties held by a business properties held for sale and not let also constitute a valid indicator of taxable capacity, since what is relevant for the purposes of liability to IMU is the abstract possibility of exercising the prerogatives attaching to a real right, not their actual exercise, which depends exclusively on the owner.

The non-deductibility from the tax on business income (*imposta sui redditi delle società* – IRES) of the extraordinary solidarity levy introduced in response to high energy costs is not unconstitutional, although the levy must be determined by reference to comparable periods (**Judgment No 180**).

Given the “particular structure and purpose of the extraordinary solidarity levy, the absence of provision for its deductibility, on the one hand, is not inconsistent with its nature and, on the other, constitutes a derogation from the principle of deductibility for IRES purposes of costs relating to taxable income that is neither unreasonable nor disproportionate, being justified by the fiscal interest connected with the public finance requirements arising from the extraordinary circumstances described”.

No significant distortive effects have resulted from the absence of provision for the deductibility of the extraordinary levy for IRES purposes. The absence of a ceiling on the levy, which is additional to ordinary taxation, is in any event justified by “extraordinary circumstances that render the legislative intervention entirely *sui generis*”, in the light of which particularly pressing requirements of revenue and solidarity have arisen.

In any event, for the purposes of calculating the contribution, in the case of newly incorporated companies, the first reference period runs from the carrying out of transactions directed towards the commencement of business activity and, correspondingly, the second reference period is proportionately shortened.

It is for the legislature, where consistent with the requirements of the proper functioning of the administration, to allow an economic operator who has committed a breach exceeding the materiality threshold to participate in procurement procedures where the outstanding tax liability has been promptly discharged (**Judgment No 138**).

Similarly, the levy for airport fire services is a legitimate and non-arbitrary measure (**Judgment No 100**).

Parliament enjoys broad discretion in calibrating tax measures and selecting indicators of contributory capacity. Consequently, it is not unconstitutional to identify a specific category of taxpayers based on the economic logic of airport-generated air traffic.

7.2. Tax proceedings

On tax proceedings, the Court, in finding unconstitutional the provision of Legislative Decree No 220/2023 under which the filing of a number of documents is never permitted in appeal proceedings, declared it unconstitutional solely insofar as it excluded proxies, powers of attorney, and other instruments conferring authority relevant to the validity of the signature of documents (**Judgment No 36**).

The absolute prohibition on producing proxies, powers of attorney and other instruments conferring authority in proceedings – established by the new paragraph 3 of Article 58 of Legislative Decree No 546/1992 – is not justified by the objective characteristics of those documents, since no distinguishing feature capable of supporting a differentiated regulatory framework can be identified in them.

The Court then declared the challenged provision unconstitutional insofar as it prescribes that the amendments made by Article 1(1)(bb) of the same Legislative Decree No 220/2023 to the rules on evidence in appeal proceedings laid down in Article 58 of Legislative Decree No 546/1992 apply to appeal proceedings instituted the day following its entry into force rather than to cases where the first-instance proceedings were instituted after the entry into force of the same legislative decree (**Judgment No 36**).

A restrictive interpretation is required of the procedural inadmissibility of documentary evidence not transmitted or not delivered in response to requests from the tax authorities under Article 32(4) and (5) of Presidential Decree No 600/1973 (**Judgment No 137**). “The tax obligation, in the constitutional conception, relates to the *pactum unionis* rather than to the *pactum subiectionis*”, so that only through a constitutionally conforming interpretation, which severely restricts its scope of application, does the provision on the procedural inadmissibility of information not transmitted or not provided by the taxpayer at the request of the tax authorities “recover a function compatible with the constitutional design”, as it serves to foster an early, pre-litigation dialogue between the parties and mutual fairness in relations between public authorities and taxpayers, “which is a prerequisite for any civilised coexistence”.

The tax courts lack jurisdiction to hear disputes concerning COVID grants disbursed by the State (**Judgment No 124**). The non-repayable grants disbursed under the “Relaunch” (*rilancio*) decree-law and the “Compensation” (*ristori*) decree-law during the COVID-19 emergency are not of a tax nature, and disputes concerning them cannot be referred to the tax courts.

The challenged provisions established non-repayable grants for persons meeting certain requirements, with the aim of supporting the activities most affected by the epidemiological emergency and, regarding such grants as being of a fiscal nature, assigned the related disputes to the tax courts.

Nevertheless, the grants in question lack the characteristics traditionally identified by constitutional case law as defining a fiscal matter: they do not, in fact, result in a definitive reduction in the taxpayer’s assets, nor do they constitute tax benefits. Rather, they are measures of support and assistance designed to address the decline in economic activity caused by the public health emergency.

Consequently, by assigning disputes concerning non-tax economic measures to the tax courts, the challenged provisions violate Article 102(2) of the Constitution, which prohibits the establishment of special courts.

8. Criminal law, criminal proceedings and the prison system

The Court has delivered numerous rulings on criminal law, criminal proceedings and the prison system.

8.1. The principle of legality

The requirement of sufficient precision in defining criminal offences is a corollary of the principle of legality, notwithstanding the legislature’s broad discretion in selecting punishable conduct and determining the relevant statutory penalties.

The Court (**Judgment No 104**) declared unconstitutional the rule prohibiting the making available of equipment enabling access to both lawful and unlawful gambling. The latter concerns gambling practised outside the network of licensed operators or authorised entities. The rule applied

equally to both the occasional use of such equipment for gambling and its exclusive and permanent use.

The Court held that the provision, albeit pursuing the legitimate and commendable aim of combating gambling addiction, was vitiated by unreasonableness and a lack of proportionality, as it was excessively broad, covering a very wide range of conduct characterised by differing degrees of harmfulness and significant variations in seriousness.

However, it deemed that the criminalisation of the act of defacing another person's property (**Judgment No 105**) is not unconstitutional. It observed that, notwithstanding the repeal of the offence of simple damage, now treated as a civil tort, the act of defacing another person's property, unless otherwise classified, retains criminal significance as a result of a legislative choice aimed at combating widespread unlawful conduct characterised by harm to urban decorum, in the light of the collective interest in preserving the urban environment from degradation.

The Court (**Judgment No 101**) ruled that the questions raised concerning the alleged breach of the principle of definiteness (Article 25(2) of the Constitution) were unfounded. It had previously affirmed the punitive nature of vessel detention as a sanction for failure to comply with requests for information and instructions issued by the authorities. The conduct subject to sanction is described in sufficiently precise terms; it is the law that draws a clear dividing line between lawful and unlawful conduct, preventing arbitrary judicial interpretation and ensuring that the rule is knowable.

The exercise of the legislature's discretion in defining criminal offences has recently led to the repeal of the offence of abuse of office and the redefinition of that of trading in improper influence; a discretion which the Court, as already noted, held to have been legitimately exercised.

The Court – proceeding from the general principle that a breach of international obligations to criminalise certain conduct may give rise to a violation of Article 117(1) of the Constitution, which requires the legislature to comply with international obligations – examined, in particular, whether there was any conflict with the United Nations Convention against Corruption (the so-called Mérida Convention) and with the Strasbourg Convention on Corruption (**Judgments Nos 95 and 185**, referred to above at § 4.4.).

8.2. The principle of proportionality

Reaffirming the legislature's discretion in identifying criminal conduct and determining the applicable penalties as the principal expression of policy choices in combating crime, the Court has at the same time confirmed that only a penalty compliant with the principle of proportionality, and calibrated to the seriousness of the individual case, ensures effective individualisation of the penalty and its rehabilitative function. Where a deficit of proportionality has been found, the Court has operated a *reductio ad legitimitatem*, at times introducing a mitigating circumstance for less serious cases (**Judgment No 202**) or those of lesser significance (**Judgment No 83**), and at other times recognising non-punishability for conduct of a particularly minor nature (**Judgment No 172**).

Equally, compulsory confiscation of all assets used to commit a corporate offence – including confiscation of equivalent-value assets – may result in manifestly disproportionate sanctions and is therefore incompatible with the Constitution (**Judgment No 7**).

Conversely, the Court (**Judgment No 193**) found that the questions of constitutionality concerning Article 624-*bis* of the Criminal Code, which punishes burglary, were unfounded. In this case, the conduct occurred in the entrance hall of a block of flats. The legislature's decision to impose a more severe penalty for burglary is based on the particular danger posed by those who, in order to commit a theft, have no hesitation in entering a dwelling, with the real possibility of encountering the victim. This danger also persists when the offence is committed in an area immediately adjacent to a dwelling, understood as being intended for activities closely connected to, and functionally ancillary to, residential use. This justifies extending the same treatment to thefts committed in the common areas of a block of flats, which are designated for the service and protection of the private dwellings located within the building. Those areas are used for this purpose by the residents, and, without their consent, are not accessible to outsiders.

By **Judgment No 171** the Court held that the absence of a mitigating circumstance for minor gravity in snatch theft is not unconstitutional. The offence is characterised by a uniform degree of offensiveness, involving significant violence in the perception of the victim. The Court found no breach of the principles of reasonableness and proportionality of the penalty in the absence of such a mitigating circumstance, given the intrinsic seriousness of snatch theft, as it necessarily entails direct contact between the offender and the victim, albeit mediated by the object stolen.

Nor is it unconstitutional that the Consolidated Law on Immigration does not provide for a reduction in the penalty for those who merely use a document falsified by others to obtain a residence permit (**Judgment No 27**).

It is not unconstitutional to provide for the confiscation of all assets disproportionate to the income of a person convicted of minor drug-related offences who is found in possession of such assets and is unable to justify their lawful origin. In such cases, it is not unreasonable to presume that those assets were acquired through broader criminal activity. However, confiscation may not be ordered where the circumstances of the case lead the court to conclude that the assets do not constitute the proceeds of prior offences (**Judgment No 166**).

Nor is it unconstitutional to make a suspended sentence conditional on the elimination of the harmful consequences of the offence of criminal damage (**Judgment No 207**).

In any event, the principle of proportionality of the penalty requires the court, to the extent permitted by law, to exclude conduct from the scope of the offence where it does not reach the degree of wrongfulness corresponding to the severity of the statutory penalty, thus falling within a category in which the “formal” fulfilment of the constituent elements of the offence does not correspond, at a substantive level, to the core of penal disvalue that should characterise that offence, in accordance with the legislature’s own assessment as reflected in the statutory penalty (**Judgment No 113**).

The principle of proportionality of sentencing also concerns the balancing of mitigating and aggravating circumstances, to ensure that the penalty is proportionate to the seriousness of the conduct established in the specific case. The statutory limitations on treating mitigating circumstances as equivalent to, or prevailing over, aggravating circumstances have been the subject of a number of the Court’s decisions. In particular, over time, the restriction prescribed in Article 69(4) of the Criminal Code has been declared partially unconstitutional on several occasions, insofar as it precluded several mitigating circumstances from prevailing over repeated recidivism under Article 99(4) of the Criminal Code.

The prohibition on allowing the mitigating circumstance of post-offence repentance under Article 625-*bis* of the Criminal Code to prevail over repeated recidivism has been declared unconstitutional. That prohibition “neutralises the incentivising rationale of the provision, attributes overriding weight to the offender’s prior conduct, and excludes any relevance of cooperation in sentencing, despite the offender’s dissociation from the criminal milieu and the potential risk of personal and family reprisals” (**Judgment No 56**).

Also unconstitutional is the prohibition on the mitigating circumstance of lesser gravity in robbery – introduced by the Court itself – prevailing over repeated recidivism (**Judgment No 117**). The same applies to the prohibition on treating the mitigating circumstance of partial mental incapacity as prevailing over, or equivalent to, the aggravating circumstance of robbery committed against a person using an ATM or who has just withdrawn money from one, for the purposes of sentencing (**Judgment No 130**).

By **Judgment No 151**, the Court declared Article 69(4) of the Criminal Code unconstitutional insofar as, in relation to the offence of kidnapping for the purpose of extortion, it precludes general mitigating circumstances from prevailing over repeated recidivism.

Article 63(3) of the Criminal Code was also declared unconstitutional insofar as it does not provide that “[w]hen a circumstance for which the law establishes a penalty of a different nature from that ordinarily applicable to the offence, or a circumstance with a special effect, concurs with recidivism under Article 99(1) of the Criminal Code, only the penalty established for the most serious circumstance shall apply, although the court may increase it” (**Judgment No 74**). The Court held, in particular, that manifest unreasonableness arose from the application of the mandatory one-third increase to the penalty for a special-effect aggravating circumstance consequent on simple recidivism – applied where the court had considered the offender’s criminal record indicative of greater culpability and dangerousness – as against the discretionary increase, not

exceeding one half of the penalty, available where an independent or special-effect circumstance concurs with aggravated recidivism.

8.3. *The principle of the natural court and the requirement of judicial impartiality*

The principle of the natural court pre-established by law safeguards a single, indivisible, fundamental requirement: that the jurisdiction of judicial bodies, in order to guarantee their impartiality, be insulated from any possibility of arbitrariness. An unlawful departure from the natural court pre-established by law therefore occurs whenever the court is designated *a posteriori* in relation to a specific dispute – whether directly by the legislature as an individual exception to the general rules or through acts of other entities to whom the law attributes such power beyond the limits of the statutory reservation.

By **Judgment No 38**, the Court held that the transfer of jurisdiction to the Court of Rome (*Tribunale di Roma*) for the appeal against the *giudice del sequestro*'s order suspending the operations of the industrial establishment declared by the Government to be of national strategic interest was unreasonable.

The Court observed that the transfer of jurisdiction effected by the new provision does not in itself violate the principle of the natural court under Article 25(1) of the Constitution. The jurisdiction of the Rome court derives from a legislative provision of general scope and does not relate to a specific case.

Nevertheless, the provision at issue is manifestly unreasonable and therefore contrary to Article 3 of the Constitution, since it assigns jurisdiction to the Rome court only in respect of appeals against orders refusing authorisation to continue production, but not against orders granting such authorisation, which may still be challenged by the public prosecutor before the local court. This results in the anomalous situation whereby jurisdiction lies with one court or the other depending on the outcome of the contested decision.

The constitutional principle of the natural court pre-established by law is upheld when the law, even if it also applies to ongoing proceedings, generally amends the conditions or criteria by which the competent court is to be determined: in such a case, the transfer of jurisdiction from one judicial office to another does not occur as a result of a derogation from the general rules adopted with a view to a specific dispute or specific disputes, but as a result of a new regulation of jurisdiction and, therefore, of the designation of a new “natural” court which the legislature, in the exercise of its unreviewable discretion as to the merits, substitutes for the existing one (**Judgment No 205**).

Equally, the conferral of jurisdiction of the Lazio Regional Administrative Court (*Tribunale Amministrativo Regionale – TAR*) over measures adopted by the Customs and Monopolies Agency in matters of public gaming is not unconstitutional (**Judgment No 5**). The Court held that assigning jurisdiction over disputes relating to the Agency's acts to a single administrative court does not constitute an unreasonable departure from the ordinary criteria for the allocation of jurisdiction in administrative proceedings.

The principle of necessary judicial impartiality underlies the finding that a judge who has ruled, on review or on appeal, on an order imposing a personal precautionary measure is incompatible with sitting as judge at the preliminary hearing (**Judgment No 212**).

The Court observed that the concept of “proceedings” as a “prejudicial stage” identified in Article 34(2) of the Code of Criminal Procedure must also include the preliminary hearing, and that “prejudicial activity” must also cover judicial activity relating to the application, modification or termination of a precautionary measure, as well as review and appeal proceedings concerning the same.

On the other hand, the objections concerning the failure to provide for a case of incompatibility or recusal of the *giudice di prevenzione*, i.e. the judge competent for preventive measures (*misure di prevenzione*) under the Anti-Mafia Code, who orders the return of the case file to the requesting authority due to evidentiary shortcomings were declared unfounded, essentially as returning it cannot be considered “prejudicial activity” (**Judgment No 182**).

Similarly, the judge for preliminary investigations (*giudice per le indagini preliminari*) who rules on the defendant's request for the suspension of proceedings with probation following reclassification of the charge is not incompatible with hearing the case under the abbreviated trial procedure in the event of waiver of the benefit (**Judgment No 190**).

8.4. *The protection of personal liberty*

The protection afforded by Article 13 of the Constitution does not apply solely to measures involving physical coercion against the body, but extends to those imposing obligations – reinforced by sanctions in the event of breach – which affect a person’s freedom of movement, giving rise to a form of “legal degradation” of the individual concerned, provided that such obligations are of such intensity as to be equivalent to that “subjection of the person to the power of others” constituting a breach of the *habeas corpus* guarantee.

The constitutional guarantees of personal liberty, the rights of defence and the adversarial principle require that a person subject to compulsory medical treatment (*trattamento sanitario obbligatorio* – TSO) be informed of the restrictive measure and be able to participate in the judicial validation process. This conclusion is not precluded by any possible condition of natural incapacity of the person concerned, since individuals are not deprived of their constitutional rights merely by reason of physical or mental illness, including the right to bring proceedings and to defend themselves in court. The hearing of the person subject to TSO before the guardianship judge (*giudice tutelare*) prior to validation fulfils several functions and constitutes an essential judicial safeguard forming part of the constitutional protection of personal liberty under Article 13 of the Constitution. Accordingly, by **Judgment No 76**, Article 35 of Law No 833/1978 was declared unconstitutional insofar as it does not prescribe that the mayor’s order imposing compulsory hospital treatment must be communicated to the person concerned, that the person must be heard by the guardianship judge prior to validation, and that the validation order must be served on that person.

8.5. *Criminal proceedings*

In shaping criminal procedure, the legislature enjoys broad discretion, limited only by manifest unreasonableness or arbitrariness in the choices made (**Judgment No 128**).

The institution of suspension of proceedings with probation has also come under consideration; this is a significant measure which, in respect of less serious offences, combines rehabilitative and resocialising objectives with the objective of reducing the caseload of the courts.

This benefit cannot be excluded in the case of the offence of small-scale dealing of narcotic substances (*spaccio di lieve entità*) (**Judgment No 90**).

It is unreasonable and gives rise to unequal treatment that, as between the two offences under comparison, access to suspension of proceedings with probation is precluded for the less serious offence (small-scale drug dealing), whilst remaining, in principle, admissible for the more serious one (incitement to the unlawful use of narcotic substances). The exclusion of small-scale drug dealing from the scope of application of probation has thus created an anomaly, reversing the hierarchy of seriousness between the two offences under comparison, both of which are drug-related and intended to protect the same legal interests. The Court did, however, hold that the exclusion from the offences eligible for suspension of proceedings with probation – both of the offence of aiding an offender after the fact (**Judgment No 157**) and of the offence of negligent arson of woodland (**Judgment No 191**) – was not unconstitutional.

The institution also has substantive significance, constituting a defining feature of the juvenile criminal justice system. Its substantive dimension brings its regulation within the scope of Article 25(2) of the Constitution and Article 7 of the European Convention of Human Rights (ECHR), thereby engaging the principle of non-retroactivity of less favourable criminal provisions.

Consequently, the exclusion of juvenile probation subsequently introduced by Law No 159/2023, converting Decree-Law No 123/2023 (the so-called Caivano Decree), in respect of defendants charged with certain offences – including aggravated sexual violence and aggravated group sexual violence – does not apply to conduct committed prior to its entry into force (**Judgment No 8**).

Judgment No 203 also declared this new framework unconstitutional, as manifestly unreasonable and disproportionate, insofar as it classifies aggravated sexual violence and aggravated group sexual violence as offences precluding the placement of an underage defendant on probation, even where the special mitigating circumstance of “cases of lesser gravity” applies.

From a strictly procedural standpoint, **Judgment No 23** declared unconstitutional the provision of the so-called Caivano Decree introducing a “simplified” form of juvenile probation insofar as it designates the “judge for the preliminary investigations” as the competent authority rather than the “judge of the preliminary

hearing pursuant to Article 50-bis(2) of Royal Decree No 12 of 30 January 1941". As an institution designed to protect young persons, even "simplified" juvenile probation requires a court composed with the requisite pedagogical expertise; consequently, it must be a bench including expert educators, as provided for in ordinary juvenile probation proceedings.

In criminal proceedings, it is unconstitutional to prevent a doctor charged with an offence from requesting that the insurer of the healthcare or social care facility be summoned, in cases of civil liability arising from the compulsory insurance schemes provided for by the Gelli-Bianco Law (**Judgment No 170**).

The Court held the question to be well founded, referring to its own precedents (Judgments Nos 112/1998 and 159/2022), in which it had already recognised the defendant's right to request that the insurer be summoned in criminal proceedings in cases of compulsory insurance for civil liability arising from the circulation of motor vehicles and from hunting activities.

In the healthcare sector too – the Court observed – the compulsory insurance provided for by Law No 24/2017 performs multiple protective functions, aimed at safeguarding both injured patients, by guaranteeing them direct compensation up to the policy limit, and insured doctors, who are entitled to be indemnified against the civil party's claims for damages. It is, moreover, a measure that also seeks to counter the phenomenon of defensive medicine.

Preventing a doctor charged with an offence from requesting that the insurance company be summoned in criminal proceedings – the ruling concluded – gives rise to unjustified unequal treatment, in violation of Article 3 of the Constitution, by comparison with civil proceedings, where the defendant may call in their insurer for indemnity.

8.6. The prison system

The Court held that the provision whereby the assessment of the requirements for granting the benefit of early release, in respect of all six-month periods already served, is carried out by the supervisory court of its own initiative towards the end of the sentence, or upon the convicted person's request to access a prison benefit – rather than at the end of each six-month period served, where the convicted person requests it – undermines the principle of the rehabilitative purpose of the penalty under Article 27(3) of the Constitution and is inconsistent with the very function of early release, which was introduced by the legislature into the prison system as a means of promoting that purpose (**Judgment No 201**).

The restriction on outdoor exercise time under the regime pursuant to Article 41-*bis* is also inconsistent with the rehabilitative purpose of the penalty, as well as with the principle of equality, since, "while it restricts, to a far greater extent than the ordinary regime, the possibility for detainees to enjoy natural light and open air, it yields no benefit to the community in terms of security, which is instead ensured, and must be ensured, by the careful selection of the socialisation group, together with the adoption of measures that exclude any possibility of contact between different socialisation groups" (**Judgment No 30**).

In the same way, the leave regime is informed by the very rehabilitative purpose of the penalty.

The Court (**Judgment No 78**) declared that the twenty-four-hour time limit currently available to a detainee to lodge a complaint against a court order denying leave in the event of imminent danger to the life of a family member or cohabitant, or of another particularly serious family event, violates the detainee's right of defence. The Court replaced the twenty-four-hour time limit with a fifteen-day period, already provided for in general terms by Article 35-*bis* of the Prison Administration Act for any appeal against decisions concerning the detainee.

The prohibition on granting home detention to a father where the mother has died or is unable to care for the children, but the children could be placed in the care of third parties, was also declared unconstitutional (**Judgment No 52**).

The Court did, however, hold that the absolute prohibition on granting alternative sentences to persons convicted of so-called barring offences (*reati ostativi*) (Article 4-*bis* of the Prison Administration Act) is not unconstitutional, noting that the legislature may assign to the penalty purposes other than rehabilitation – such as the containment of social danger and deterrence – provided that the rehabilitative purpose is not thereby

sacrificed (**Judgment No 139**); a purpose that is not always guaranteed in Italian prisons today, where overcrowding “makes it particularly difficult to pursue the aim of rehabilitation, as well as to maintain even the minimum standards of humanity in the penalty”.

The presumption of innocence was invoked in **Judgment No 24**, which concerned the two-year ban on granting prison leave to a detainee who has been charged with or convicted of an offence committed while serving their sentence; a ban which, insofar as it is based solely on the fact that the applicant has been “charged” with an offence, is incompatible with European Union law and the European Convention on Human Rights.

However, even where the applicant has been finally convicted of an offence committed while serving their sentence, compliance with the rehabilitative principle enshrined in Article 27 of the Constitution requires that the supervisory court must always remain “free to assess the specific relevance of the offence, as judicially established in other proceedings, for the purposes of the specific decision entrusted to it, taking into account the submissions of the defence”.

9. Judicial protection and the right to a fair trial

In general, in the structuring of procedural institutions, the legislature – which enjoys broad discretion, limited only by manifest unreasonableness or arbitrariness of the choices made – may differentiate judicial protection, taking into account the specific nature of the legal relationship to be regulated. Accordingly, the principles set out in Articles 24 and 111 of the Constitution need not necessarily be guaranteed “in the same manner and with the same effects”, provided no burdens are imposed, and no procedures are prescribed such as to render the exercise of the right of defence or the conduct of proceedings impossible or extremely difficult (**Judgments Nos 76 and 111**).

In particular, within the procedural framework governing the new unified procedure concerning individuals, minors and families, the time limit granted to the claimant to respond to the defendant’s defences and claims, although short (ten days), is not such as to render the exercise of the right of defence impossible or excessively difficult; nor is the shorter time limit allocated to the claimant, as compared with that granted to the defendant, manifestly unreasonable, since the two procedural positions are significantly different (**Judgment No 146**).

With regard to the regime governing simple partnerships, which may be subject to insolvency proceedings if it is established that they have in fact carried out commercial activity, insolvency may be extended to partners with unlimited liability. However, where they have not been summoned to the pre-insolvency proceedings against the simple partnership, the latter’s insolvency, as established by the declaratory judgment, is not enforceable against the partners in proceedings for extended insolvency brought in separate proceedings. Where the finding is made in the proceedings concerning the partnership’s insolvency, the burden of verifying in the Companies Register the possible insolvency of an entity that does not normally become insolvent cannot be placed on the partners – who were not summoned to those same proceedings, despite being identifiable (and not concealed) – since it cannot be presumed that all partners of a simple partnership are aware of the entity’s affairs or are required to know that the simple partnership has, on the whole, carried out commercial activities such as to be found, following judicial assessment, to prevail over those permitted for that type of entity (**Judgment No 87**).

With regard to insolvency proceedings, it was reiterated that the legislature’s decision to predetermine their reasonable duration does not give rise to automatism, as the judge for equitable relief (*giudice dell’equa riparazione*) retains the power and duty to examine the specific case before them, in accordance with other provisions of Law No 89/2001 (**Judgment No 102**).

As regards legal aid, the Court declared unconstitutional the provision requiring non-EU nationals – even if resident in Italy – to provide consular certification of income earned abroad (**Judgment No 119**). Those concerned may therefore apply to consular offices located in Italy to obtain a single certificate, rather than to the competent authorities of the State of origin for multiple certificates.

Also unconstitutional is the reduction in fees for technical consultants appointed for a party eligible for legal aid where the applicable tariffs have not been updated (**Judgment No 179**).

In the case of hourly remuneration for work carried out by court auxiliaries, the calculation system based on the *vacazione* – a unit of measurement equivalent to two hours of the professional’s work – cannot distinguish between the first *vacazione* and subsequent ones (**Judgment No 16**).

10. Regionalism between solidarity and the division of competences

A range of regional law issues has arisen for consideration, particularly in proceedings by direct application.

In particular, the division of competences is affected by the increasing tendency for legislation to fall within cross-cutting areas of State competence such as the environment and competition, where uniform implementation throughout the national territory is required (**Judgment No 136**).

Exclusive and cross-cutting legislative power cannot, however, be so pervasive as to absorb, a priori, areas falling within regional competence; and its exercise must respect the limits of adequacy and proportionality in relation to the aim pursued and the expected objectives. These principles also serve to delimit the scope of cross-cutting legislative power (**Judgment No 59**).

The attribution to the State of the exclusive and cross-cutting competence referred to in Article 117(2)(m) of the Constitution relates to the determination of structural and qualitative standards of services which, as they concern the enjoyment of civil and social rights, must be guaranteed universally to all persons entitled to them (**Judgment No 204**).

In any event, the guiding principle of the regional State is that of subsidiarity, as an interpretative criterion aimed at promoting the interests of unity or autonomy. It requires that, for each specific allocation of a function, the territorial level be the most appropriate, in relation to the nature of the function, the local context and also the broader context in which its allocation takes place (**Judgment No 186**).

This principle operates, on the one hand, bottom-up to link differentiated autonomy to the principle of unity, with the effect of circumscribing possible delegations to specific functions; and, on the other, top-down, so that a specific regulation may be validly adopted by the region in view of its greater suitability for realising the constitutional principles in the specific situation under consideration.

10.1. The prohibition on a third term of office

A matter of particular sensitivity has arisen in the electoral sphere.

The Court has affirmed the prohibition on a third consecutive term for presidents of regional governments as a fundamental principle of the subject matter, binding on regional legislators with effect from the adoption of the first electoral laws following its entry into force (**Judgment No 64**).

That prohibition constitutes the expression of a discretionary choice by the national legislature aimed at balancing conflicting principles and serving as a “systemic counterweight” to the direct election of the monocratic executive head, to which it acts as a “considered counterbalance”.

The Court subsequently held that the prohibition on a third consecutive term applies, as a general principle of the legal system, also to autonomous Regions with special statute whose president is elected by universal and direct suffrage; this also on grounds of the principle of equality in access to elected office (**Judgment No 211**).

The principle of the prohibition on a third consecutive term, whilst not constitutionally mandated, has been regarded by the national legislature, on the one hand, as a “systemic counterbalance” to the direct election of the monocratic executive head, to which it serves as a “considered counterweight”; and, on the other, as “a balance between conflicting principles”, that is, a “delicate point of equilibrium” between the right to stand for election and the right to vote, as well as the interests relating to the integrity of the electoral contest and the general democratic nature of the institutions.

For these reasons, the prohibition in question must be regarded not only as a fundamental principle binding on ordinary regions, but also as a general principle of the legal system binding on those autonomous Regions with special statute whose form of government is characterised, in the same way as that of ordinary regions, by the direct election of the president by universal suffrage and by the broad powers flowing from it.

10.2. The environment, protection of the territory and energy production

State competence in environmental matters frequently intersects with regional competences in land-use planning and energy production.

In particular, questions relating to renewable energy source plants have once again come to the Court's attention.

Designation of an area as unsuitable cannot constitute an absolute prohibition on installation, nor may it override authorisations already granted (**Judgment No 184**). Such a designation has the effect of precluding access to the simplified authorisation procedures provided for by national legislation to accelerate the expansion of renewable energy in suitable areas.

Biomass plants form part of renewable energy sources, but their construction and operation must strike a balance between environmental protection, also in the interests of future generations.

In particular, such a balance must be struck where they are constructed in areas, such as parks, primarily designated for the protection of the environment, biodiversity and ecosystems. The Court therefore declared unconstitutional a regional provision (Article 14(1) of Calabria Regional Law No 36/2024) insofar as it prescribed that “[it is] prohibited” to construct, in national and regional parks within the territory of Calabria, plants powered by biomass with a thermal capacity exceeding 10 MW, rather than providing that such parks “constitute unsuitable areas” for the construction of that type of plant (**Judgment No 134**).

The judgment specified that “the unsuitability of the area, even if declared by regional law, cannot be interpreted as an absolute prohibition established a priori, but rather indicates an area where the installation of the plant may still be authorised, albeit on the basis of a proper preliminary inquiry and reinforced justification”.

A region may not establish a procedure for landscape authorisation other than that laid down by national legislation, since regions are not permitted to derogate from State environmental protection measures establishing a uniform regime throughout the national territory. This regime includes the landscape authorisation envisaged in Article 146 of the Code of Cultural and Landscape Heritage, a provision of major economic and social reform which must also be observed by special-statute regions, such as Sardinia (**Judgment No 184**).

Fundamental provisions of economic and social reform are binding on special-statute regions, as their implementation must be uniform throughout the national territory.

State legislation on critical raw materials, which governs the procedure for recognising the strategic nature of projects for the extraction, processing or recycling of such materials, the authorisation procedures for projects recognised as strategic, the commencement of exploration activities, and the approval of planning and programming instruments, does not infringe the legislative and administrative competences of a special-statute region, such as Sardinia (**Judgment No 136**).

10.3. Town planning and construction

The Court recognised that the specific penalty regime, consisting in the fiscalisation of the unlawful act in respect of so-called subsequent building abuses (that is, those carried out in conformity with a planning permission subsequently annulled), aims to protect interests of primary importance and of an overall unified character, since they relate to land-use planning and the protection of the landscape and the environment, with the consequent need for uniform implementation at national level that cannot be subject to regional variations (**Judgment No 22**).

The specific conditions required by Article 38 of the Consolidated Building Act – namely, the impossibility of remedying procedural defects and of restoring the property to its original condition – in order to permit the payment of a financial penalty equal to the open market value of the unauthorised works in lieu of demolition, constitute decisive elements in the balance struck between competing interests identified by the national legislature for the purpose of orderly land-use planning.

Consequently, regions with special autonomy and autonomous provinces are not permitted to introduce additional criteria for assessing the impossibility of restoration, nor for determining the amount payable to avoid demolition of a building, nor to vary the penalty according to the degree of harm caused by the transformation of the land.

With regard to urban regeneration and building rehabilitation, the Court declared unconstitutional a regional provision (Article 4(4) of Lazio Regional Law No 7/2017) that permitted, on a transitional basis, the carrying out of building works involving a change of use, in derogation from the provisions of the planning instrument and in the absence of an assessment by the municipal council (**Judgment No 51**).

The Court observed that the regional legislature's intervention entails the risk of an uncontrolled increase in planning pressure and residential expansion, even to the detriment of the intended use of certain areas for socially important purposes. This sits uneasily with the overall aim of the regional law of achieving urban regeneration "in a broad and integrated sense", encompassing not only building and planning aspects but also economic and social dimensions.

The Court did, however, declare unfounded the questions of constitutionality concerning a regional provision (Article 2(3) of Sicilian Regional Law No 15/1991) which laid down a prohibition on building within 150 metres of the shoreline; a prohibition held to have applied directly since 1976 to private individuals and not merely for the purposes of its incorporation into planning instruments (**Judgment No 72**).

10.4. Competition

State competence in matters of competition – which Article 117(2)(e) of the Constitution frames in functional terms – is also cross-cutting. Accordingly, a measure adopted by regions in the exercise of their legislative competence, whether concurrent or residual, may affect competition.

The State's "protection of competition" competence may indeed intersect, even through detailed measures, with matters falling within regional competence, including local public transport. However, the exercise of this cross-cutting State legislative competence must not exceed the limits of reasonableness and proportionality in pursuing the aim that defines its scope (**Judgment No 163**).

A regional provision (Article 7(4) of Calabria Regional Law No 48/2019) was therefore declared unconstitutional insofar as, on the one hand, it prohibited funeral undertakings from providing ambulance hire with driver for non-urgent and scheduled transport and, on the other, precluded entities that provided only such transport from providing funeral services. Those prohibitions were held to unreasonably infringe the freedom of economic initiative and competition in the ambulance services market (**Judgment No 62**).

All the provisions of the Public Contracts Code concerning award procedures fall within the scope of competition protection and constitute fundamental provisions of economic and social reform, giving effect to international obligations arising from Italy's membership of the European Union (**Judgment No 80**).

The regulation of beach concessions, which engages areas falling within regional legislative competence, must give way to the State's exclusive legislative competence in matters of competition protection whenever it influences the selection of the contractor and affects the competitive structure of markets in a manner that restricts the free exercise of business initiative (**Judgment No 89**).

As regards telecommunications installations, the regions may not burden the authorisation procedure by imposing obligations in addition to those laid down by national law, such as the requirement to provide a guarantee for environmental restoration costs (**Judgment No 108**).

By exceeding the limits of its competence in matters of competition protection, the State infringed regional competence in matters of local public transport by imposing obligations and prohibitions on operators of hire with driver services, thus pursuing, by disproportionate means, the aim of ensuring that only taxis could serve an undifferentiated clientele (**Judgment No 163**).

A regional provision requiring the technical director of a travel agency to perform their duties on a continuous and exclusive basis for a single agency is unconstitutional. The Court found that this requirement affects competition between operators in the sector, limiting their ability to engage a wider pool of professionals, and therefore infringes Article 117(2)(e) of the Constitution (**Judgment No 196**).

10.5. Staff employed by regional administrations

A region may not recruit staff already employed by a private-law entity on an exclusive basis, thereby circumventing the requirement of open competition where no conditions permitting derogation from that principle are present (**Judgment No 57**).

Regions may derogate from the age limit laid down by national law for medical managers as heads of healthcare services in accredited private facilities (**Judgment No 65**).

The key policy choices on the regulation of secondments and temporary transfers – measures that affect the structure of employment relationships and therefore require uniform regulation – fall within the competence of the national legislature; accordingly, regional legislation permitting secondments and temporary transfers, even in cases excluded under national law, is unconstitutional (**Judgment No 189**).

The provisions of the Autonomous Region of Sardinia on the extraordinary administration of regional health service bodies and on the appointment of managers were declared unconstitutional (**Judgment No 198**).

A law of the Autonomous Region of Sardinia permitting local health authorities to engage retired general practitioners to provide primary care in special community outpatient clinics does not infringe the Constitution (**Judgment No 84**).

Ministerial approval of three-year staffing plans for regional health services infringes on regional competence (**Judgment No 114**).

10.6. Education

Regional legislation may not bring forward the deadline for completion of the procedure for the approval of school network rationalisation plans (**Judgment No 200**).

The rules on school network rationalisation fall within the exclusive legislative competence of the State in matters of “general rules on education”, as referred to in Article 117(2)(n) of the Constitution, since their function is to establish a regime governing deadlines which, for reasons of necessary unity and uniformity, must apply throughout the national territory. The aim is to ensure the orderly start of the school year and adequate autonomy for educational institutions, taking into account the overall programme for the reorganisation of the school system within which they operate and the commitments undertaken by Italy under the National Recovery and Resilience Plan.

10.7. Healthcare expenditure and the financial autonomy of the Regions

Regions in the process of restoring budget balance are precluded from adopting measures, including legislative measures, that conflict with the agreed objectives, and from authorising expenditure for healthcare services exceeding the essential levels of care (**Judgment No 57**).

Concerning the Calabria Region’s cancer registry, the Court held that the obligation on the regional executive to report annually to the regional council on the implementation of the 2022–2025 operational programme does not interfere with the powers of the commissioner *ad acta*, i.e. an official appointed to perform acts in default of the responsible regional authority) (**Judgment No 32**).

Regions may not bring forward the entry into force, within their territory, of the decree setting tariffs for specialist outpatient and prosthetic care services (**Judgment No 122**).

The regional provisions on the funding of the Regional Agency for Environmental Protection (*Agenzia regionale per la protezione dell’ambiente* – ARPA) are unconstitutional, as the Court held with reference to regional legislation in Umbria (**Judgment No 150**) and Campania (**Judgment No 174**).

The law of the Puglia Region establishing, on an experimental basis, a service to provide psychological support to cancer patients is not unconstitutional, since it does not create a new professional category beyond that provided for under national legislation, but confines the provision of psychotherapeutic care for cancer patients to psychologists or doctors holding a specialisation in psychotherapy (**Judgment No 161**).

A regional provision allowing retired general practitioners to participate in primary care and continuity-of-care schemes established by local health authorities – including on a self-employed basis – to ensure full coverage of primary care in disadvantaged areas, is not unconstitutional (**Judgment No 177**).

Regional legislation may make enrolment in educational programmes for the 11–25 age group, including university education, conditional upon submission of a document certifying, alternatively: taking the human papillomavirus (HPV) vaccine, initiation of the vaccination programme, refusal of vaccination, or completion of an information session on the benefits of the vaccine (**Judgment No 48**).

The regulation of measures to combat pandemics, including sanctions, falls within the exclusive competence of the State in matters of international prophylaxis; regional and provincial legislators may not

encroach upon areas of exclusive State competence, even for the sole purpose of reproducing or referring to State provisions.

The provisions of the law of the Autonomous Province of Bolzano which, during the pandemic, reproduced State provisions imposing the ancillary penalty of suspension of catering activities in the event of breach of the obligation for service staff to wear surgical masks are therefore unconstitutional (**Judgment No 158**).

In any event, the financial autonomy of the regions must be safeguarded.

In particular, the contribution required from the regions towards public finance objectives must be such as to avoid structural disparities between territories.

Of particular importance is the involvement of the Permanent Conference for the Coordination of Public Finance in the periodic budgetary process; such involvement is essential to prevent the adoption of “blind cuts” which, in addition to potentially being unsustainable for local authorities, “would have unforeseeable repercussions on the services provided to the public and would not even allow for transparent consideration in Parliament” (**Judgment No 152**).

The amounts of the contributions required from the regions are, in fact, considerable and significantly affect their financial autonomy; their voice must be heard in the fora specifically designated by law, so as to provide Parliament with the essential preliminary information required to take decisions. Otherwise, there is a serious risk that the need to contain public expenditure will be unduly shifted onto regional authorities.

11. Public finance and budgetary balance; healthcare expenditure

On public finance and budgetary balance, the principle – set out in Article 81 of the Constitution – requiring coverage for expenditure measures imposes a specific constraint not on the courts but on the legislature, and applies to every law, including the budget law, translating into the obligation to identify, at the time of its adoption, the means to cover the resulting costs (**Judgment No 121**). The Court reiterated that, in order to meet expenditure arising from rulings of the Court of Justice of the European Union, the Italian legal system provides procedures capable of ensuring both the effectiveness of such rulings and budgetary balance. In this way, the primacy of EU law and the protection of rights recognised by the European Union are ensured.

In the single equalisation fund for municipalities, “restricted” quotas cannot be tolerated, whilst other “equalisation components must be allocated separately, specifically and transparently to other funds dedicated to this purpose, with all the consequent implications, including, where necessary, respect for regional competences” (**Judgment No 45**).

The council’s failure to approve the draft budget for financial rebalancing of a local authority in financial distress renders its dissolution legitimate (**Judgment No 91**). An administration that repeatedly fails to honour the commitments undertaken through its electoral mandate, including by failing to approve the budget, undermines the relationship of trust with citizens. The neglect that leads to the financial distress of local authorities severs the bond of trust that underpins the electoral mandate and the democratic representation of elected officials.

12. Jurisdictional disputes between the State, Regions and Autonomous Provinces and between branches of state

Lastly, as regards jurisdictional disputes between the State, Regions and Autonomous Provinces and between branches of the State, the Court held that the regional electoral guarantee board had acted *ultra vires* by ruling on the forfeiture of the President of the Sardinia Region in circumstances not provided for by law as grounds of ineligibility (**Judgments Nos 148 and 149**).

The Court declared that it did not lie with the State and, in particular, with the said board to affirm in the reasoning of the challenged order that “forfeiture from office of the elected candidate is required” and, consequently, to order “the transmission of this order/injunction to the President of the Regional Council for the purposes, within their competence, of adopting the measure declaring the forfeiture of [...] from the office of President of the Sardinia Region”.

Regional electoral guarantee boards, established to oversee electoral expenditure by candidates in elections to both Houses of Parliament, are State bodies operating independently in order to ensure the integrity and authenticity of the formation of the electorate’s will, as well as the freedom of voters in casting their vote.

The application brought by an individual Member of Parliament against the Government seeking the protection of constitutional prerogatives of the House of which they are a member was declared inadmissible (**Order No 178**).

The Court ruled out any overlap between the standing of an individual Member of Parliament and that of the House of which they are a member. The holder of the constitutional sphere of powers allegedly infringed, and therefore the only body potentially entitled to bring a conflict, is the relevant House, and not the individual Member.

The Court also dismissed the request for interim measures submitted by the Citizenship Referendum Promoting Committee (*Comitato Promotore Referendum Cittadinanza*) in the proceedings concerning a jurisdictional dispute between branches of state brought against the Parliamentary Committee for the General Direction and Supervision of Broadcasting Services (*Commissione parlamentare per l’indirizzo generale e la vigilanza dei servizi radiotelevisivi*) (**Order No 79**).

On the merits, the application in the conflict proceedings was declared inadmissible (**Judgment No 206**). Only the promoters act as the institutional representatives of the state power constituted by the signatories of the referendum request. The constitutional significance of the function exercised by the signatories, aimed at activating popular sovereignty for the repeal of legislation, requires “unity of purpose and alignment” between represented and representatives, and demands that the organisational structure acting on behalf of the state power have a precise and stable identity, not susceptible to alteration by the presence of external subjects.

13. Concluding remarks

In closing this report, it is worth recalling that the Court is preparing to celebrate seventy years of activity: the inaugural hearing and the first public sitting were held on 23 April 1956.

This anniversary is marked by a twofold initiative: on the one hand, the publication of fifteen digital volumes by Giuffrè Lefebvre, containing all the judgments of unconstitutionality systematically organised by subject matter; on the other, the publication of a printed volume by Treccani containing fifteen essays by the judges, each reflecting on specific subject areas covered by those judgments.

These reflections support the view that, over the seventy years of its activity, the Court has consistently remained on the right side of the fine line separating constitutional review from the political choices reserved to the legislature, remaining faithful to its mission as guardian of the Constitution, and exerting an increasingly significant impact as an interpreter of profound changes in society and in the legal order.

**CONSTITUTIONAL CASE LAW
IN 2025**

QUANTITATIVE AND ANALYTICAL DATA

Compiled by the Studies Department
Riccardo Nevola and Gioconda Verrengia

TABLE OF CONTENTS

I. Analysis of quantitative data.....	p. 35
1. Decisions.....	p. 35
2. The distribution of decisions, referral orders and direct applications.....	p. 41
3. Types of decisions.....	p. 45
4. Data on constitutional review proceedings: decisions without a ruling on the merits, declarations of unfoundedness, and declarations of unconstitutionality	p. 48
5. The choice of procedure.....	p. 49
6. The duration of constitutional proceedings.....	p. 49
7. The Judges.....	p. 49
II. Analysis of decision types	p. 51
1. Incidental proceedings.....	p. 51
2. Proceedings by direct application.....	p. 53
3. Proceedings on jurisdictional disputes between the State, Regions and Autonomous Provinces.....	p. 54
4. Proceedings on jurisdictional disputes between branches of state	p. 54
5. Proceedings on the admissibility of referendums	p. 55
6. Proceedings for the correction of clerical errors and omissions	p. 55
III. List of declarations of unconstitutionality	p. 57
1. State laws	p. 57
2. Regional laws	p. 69
3. Provincial laws	p. 75

I. ANALYSIS OF QUANTITATIVE DATA

1. DECISIONS

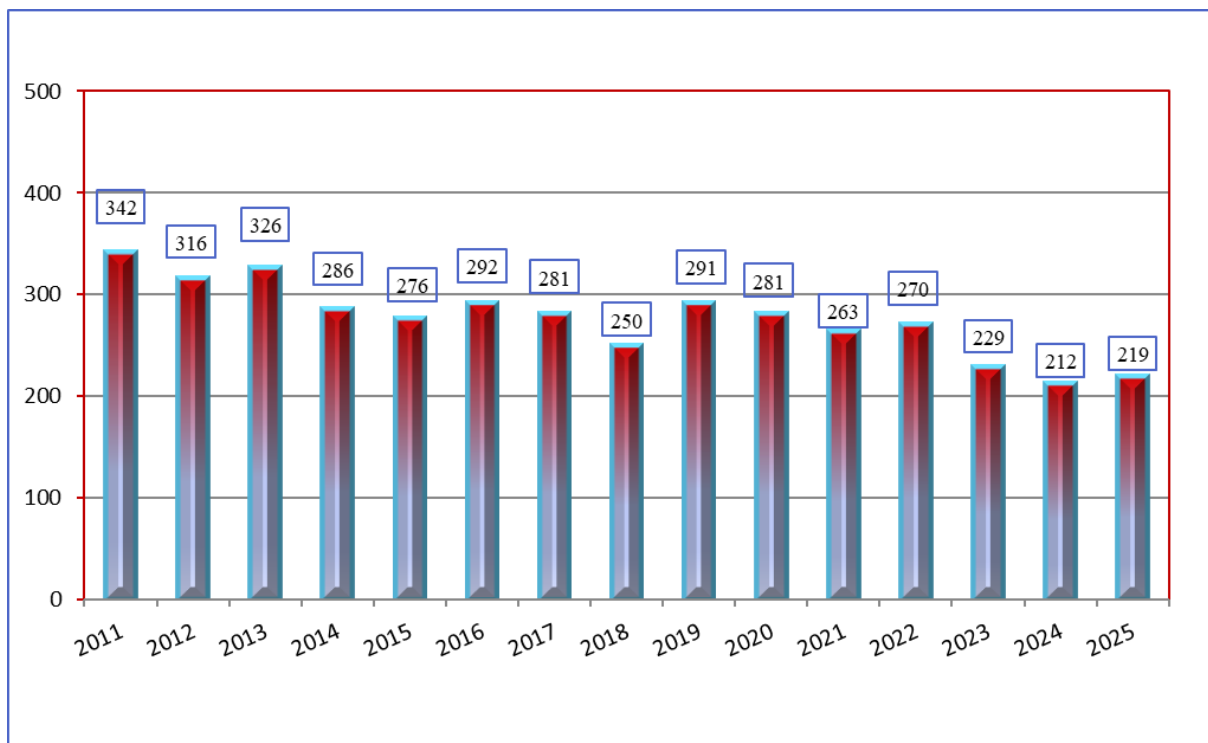
The Constitutional Court handed down 219 decisions in 2025 (190 judgments and 29 orders): a figure slightly higher than the 212 recorded in 2024 (+3.3%).

Over the last fifteen years (2011–2025), the average number of decisions stood at 309 between 2011 and 2015, 279 between 2016 and 2020, and 239 between 2021 and 2025.

In 2025, the number of referral orders and direct applications received showed once again an increase over the previous year. The 263 referral orders represent a 6% increase from the 248 received in 2024. The figure for direct applications (54) also exceeds that of 2024 (40), an increase of 35%.

Figure 1 shows the annual trend regarding the Court’s caseload since 2011.

Figure 1 – Annual decisions (2011–2025)



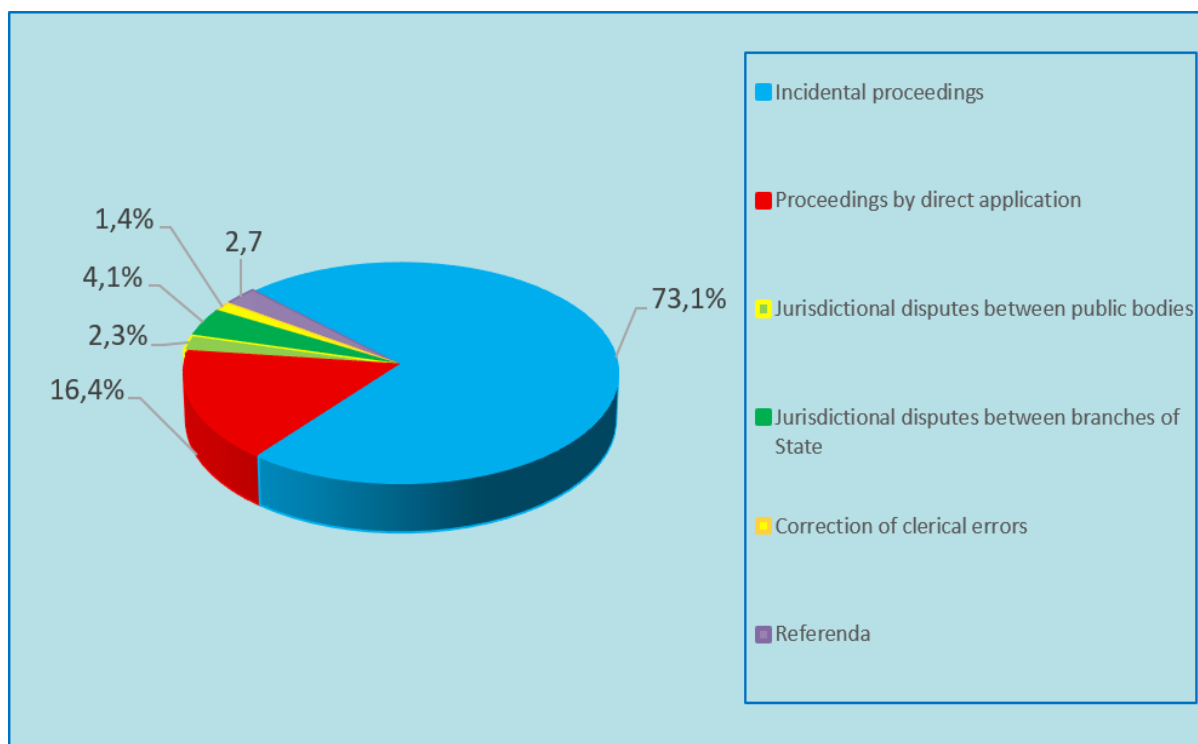
Of the 219 decisions in 2025, 160 (148 judgments and 12 orders) regarded incidental proceedings; 36 (30 judgments and 6 orders) were handed down in proceedings by direct application; 5 judgments concerned jurisdictional disputes between the State, Regions and Autonomous Provinces; and 9 rulings were issued in proceedings on jurisdictional disputes between branches of state (8 orders at the admissibility stage and 1 judgment at the merits stage). A further 6 judgments on the admissibility of referendums and 3 orders correcting clerical errors.

Expressed as percentages, incidental proceedings accounted for 73.1% of rulings, and direct applications for 16.4%. The remainder breaks down as follows: 2.3% for jurisdictional disputes between the State, Regions and Autonomous Provinces; 4.1% for jurisdictional disputes between

branches of state; 2.7% for referendum admissibility proceedings; and 1.4% for the correction of clerical errors.

Figure 2 illustrates these figures.

Figure 2 – Types of proceedings in 2025 as a proportion of the total decisions

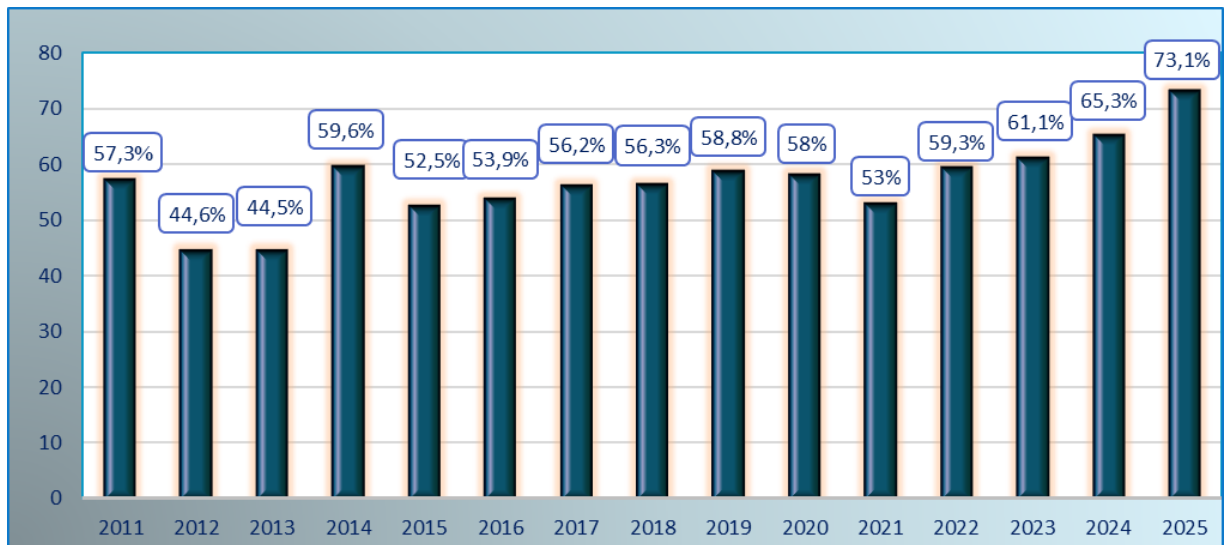


Incidental proceedings, with 160 decisions, continue to make up the largest share, accounting for more than four times the volume of direct application proceedings.

The 2025 figure is markedly higher than that of the previous year (139), and is so also in percentage terms (73.1% against 65.3%); it is the highest recorded over the last fifteen years.

Figure 3 shows the trend regarding incidental proceedings as a percentage since 2011.

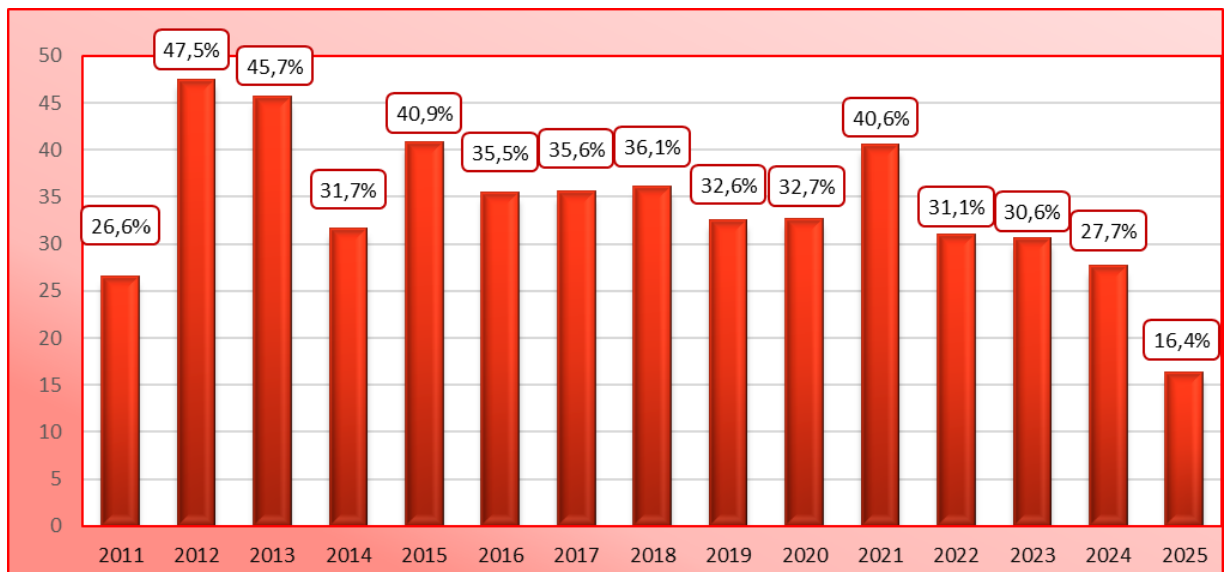
Figure 3 – Incidental proceedings as a proportion of the total decisions (2011–2025)



The 36 decisions in proceedings by direct application represent a 39% decrease on the 59 recorded in 2024. The percentage of total decisions (16.4%) is not only below that of 2024 (27.7%) but is also the lowest figure in the last fifteen years. The 40% threshold was only exceeded in four years – notably in 2012 and 2013, when proceedings by direct application outnumbered incidental proceedings (47.5% and 45.7% respectively).

Figure 4 shows the trend regarding proceedings by direct application as a percentage since 2011.

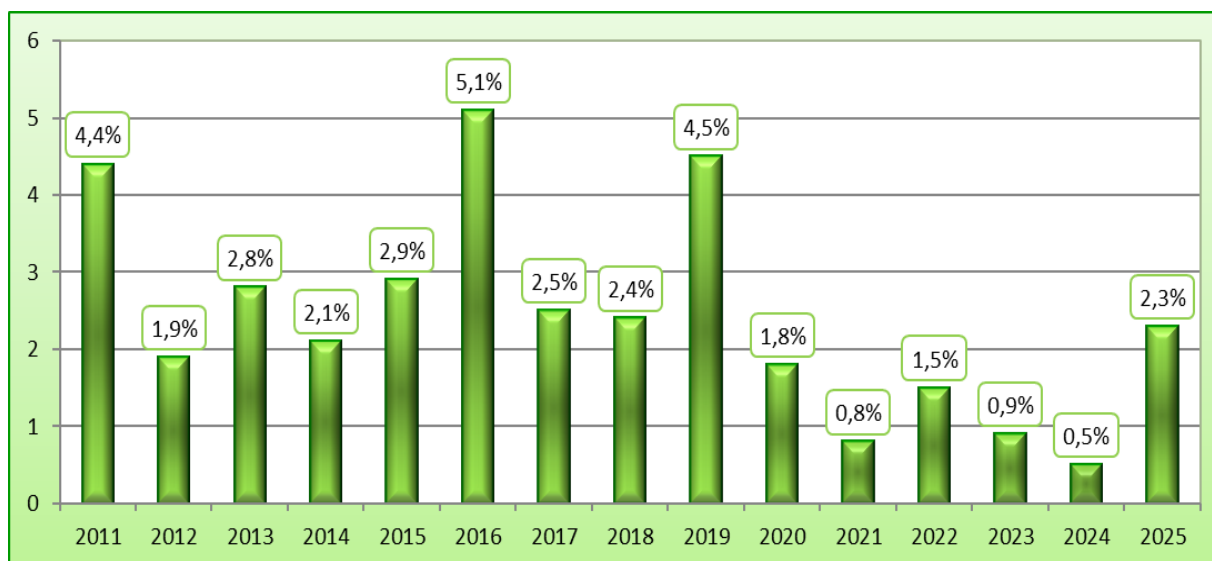
Figure 4 – Proceedings by direct application as a proportion of the total decisions (2011–2025)



The figure for jurisdictional disputes between the State, Regions and Autonomous Provinces (5 judgments) has far exceeded that of 2024 (1 judgment); the percentage share of total decisions has risen from 0.5% to 2.3%, which is the highest in the last six years.

Figure 5 illustrates the percentage trend regarding proceedings on jurisdictional disputes between the State, Regions and Autonomous Provinces since 2011.

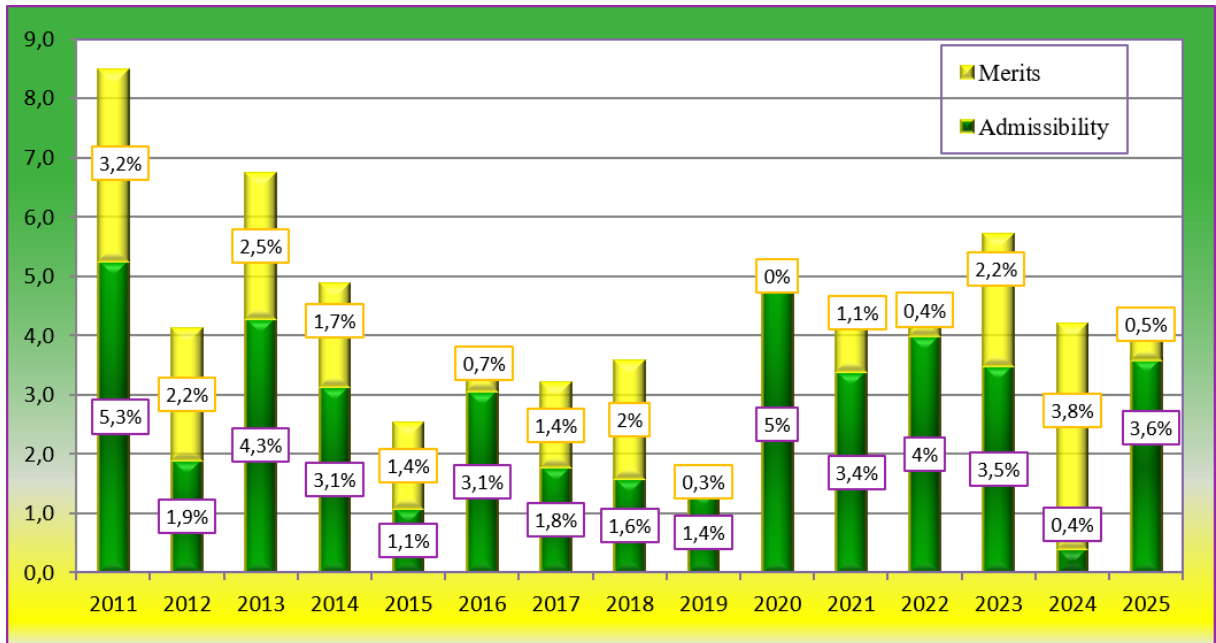
Figure 5 – Proceedings on jurisdictional disputes between the State, Regions and Autonomous Provinces as a proportion of the total decisions (2011–2025)



As regards jurisdictional disputes between branches of state, the number of decisions – nine in total – is the same as in 2024. The picture is different, however, when the two stages of the proceedings are taken into account: at the admissibility stage, there was a marked increase from a single order in 2024 to eight in 2025; at the merits stage, the opposite is true, as the eight rulings in 2024 were followed by only one in 2025. The percentage of total decisions fell from 4.2% in 2024 (0.4% at the admissibility stage and 3.8% at the merits stage) to 4.1% in 2025 (3.6% at the admissibility stage and 0.5% at the merits stage).

Figure 6 shows the percentage trend regarding proceedings on jurisdictional disputes between branches of state since 2011, distinguishing between decisions at the admissibility stage and those on the merits.

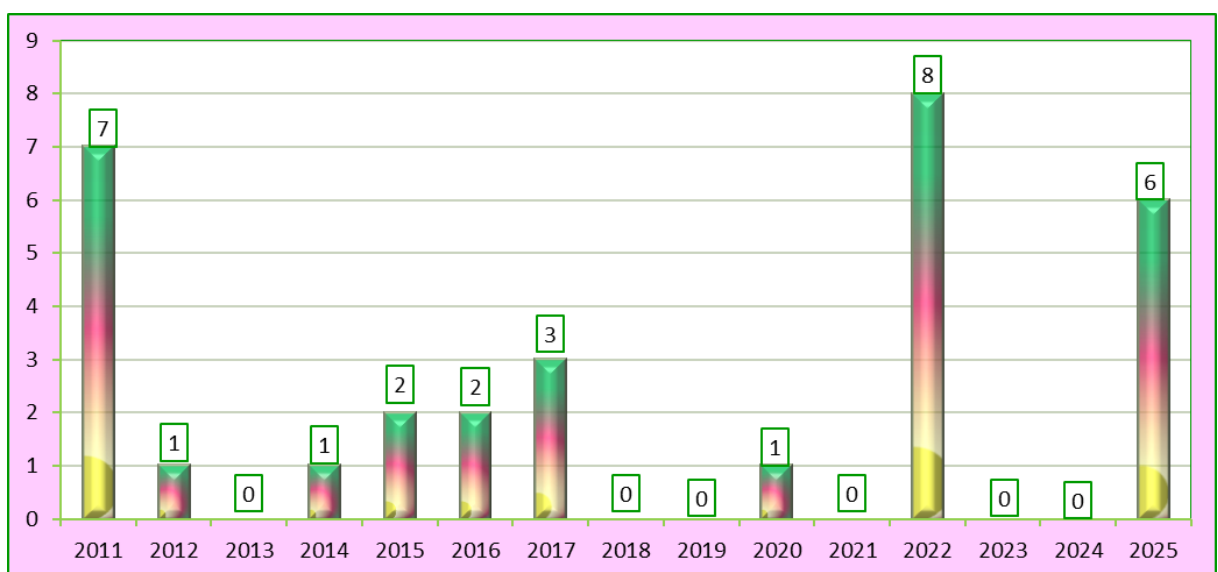
Figure 6 – Proceedings on jurisdictional disputes between branches of state as a proportion of the total decisions (2011–2025)



In 2025, six decisions on referendum admissibility were issued.

Figure 7 shows the trend regarding these rulings over the last fifteen years.

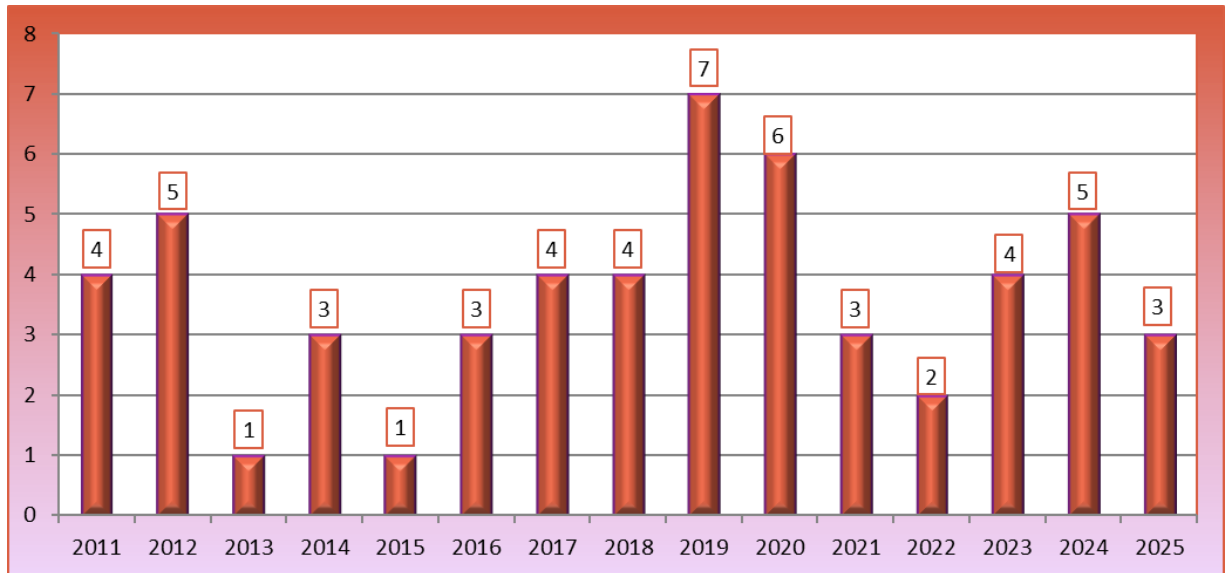
Figure 7 – Referendum admissibility proceedings (2011–2025)



The data on proceedings in 2025 are completed by 3 orders correcting clerical errors.

Figure 8 shows the trend regarding these orders since 2011.

Figure 8 – Correction of clerical errors (2011–2025)

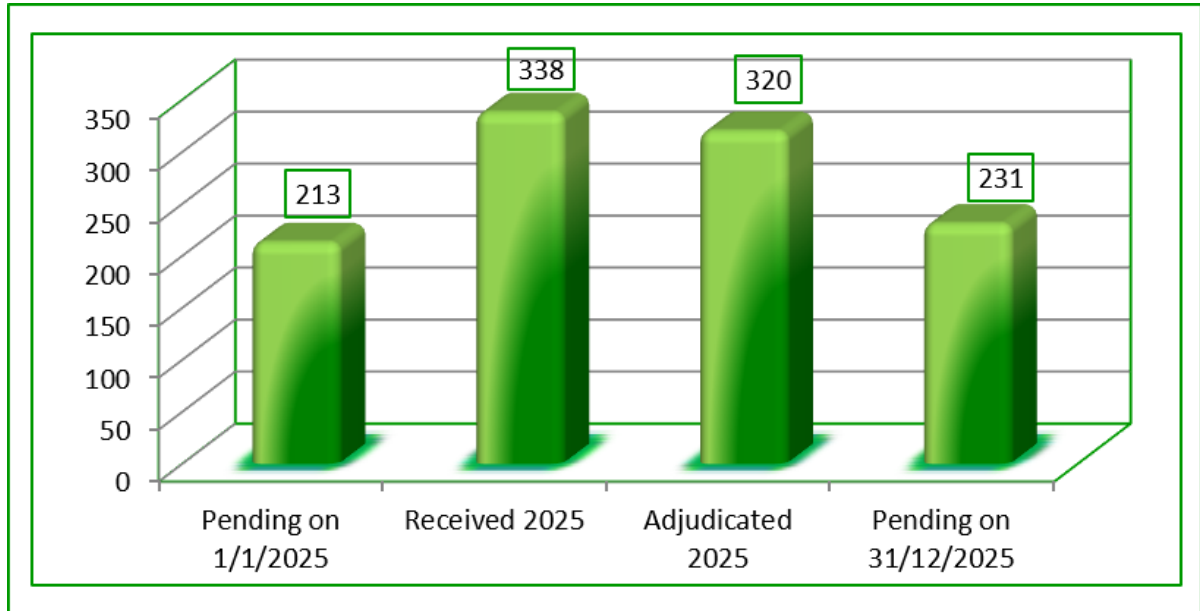


2. THE DISTRIBUTION OF DECISIONS, REFERRAL ORDERS AND DIRECT APPLICATIONS

As at 1 January 2025, 213 cases were pending; during the year, 338 new cases were filed and 320 were resolved. The number of pending cases at the end of the year stood at 231, slightly higher than at the end of 2024 (+8.5%).

Figure 9 illustrates this trend.

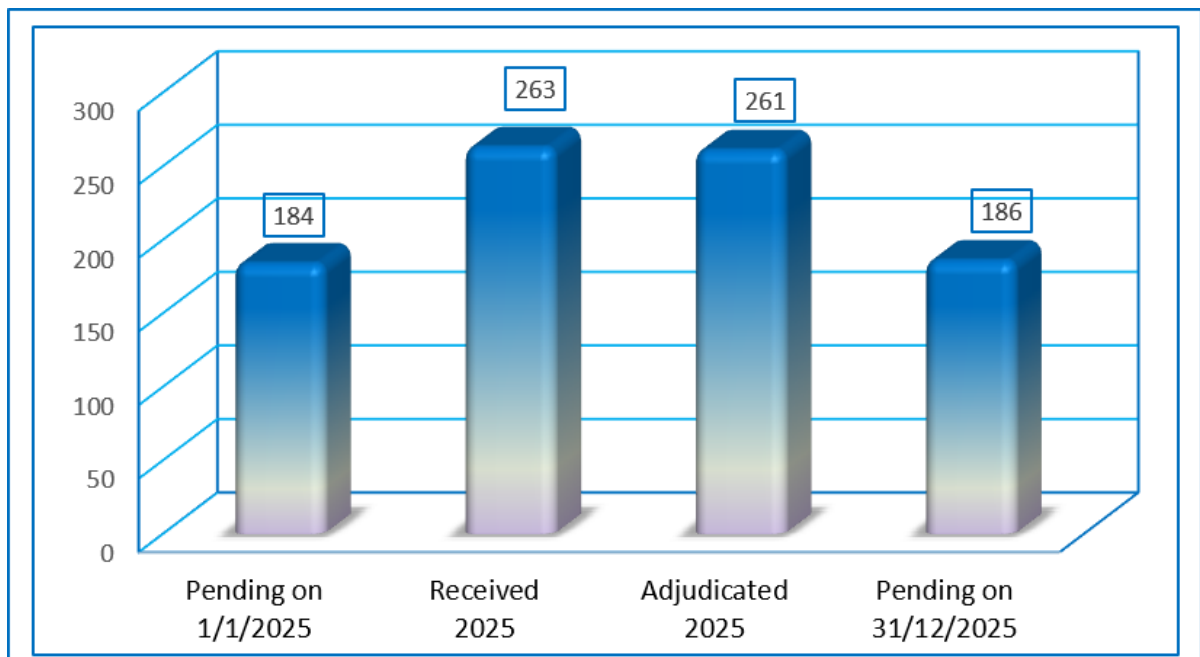
Figure 9 – Cases filed, decided and pending (total, 2025)



By type of case, 184 incidental cases were pending as at 1 January 2025; during the year, 263 referral orders were received and 261 were decided. The number of pending cases as at 31 December 2025 therefore stood at 186, showing little change from the previous year (+1.1%).

Figure 10 illustrates the case backlog for incidental proceedings.

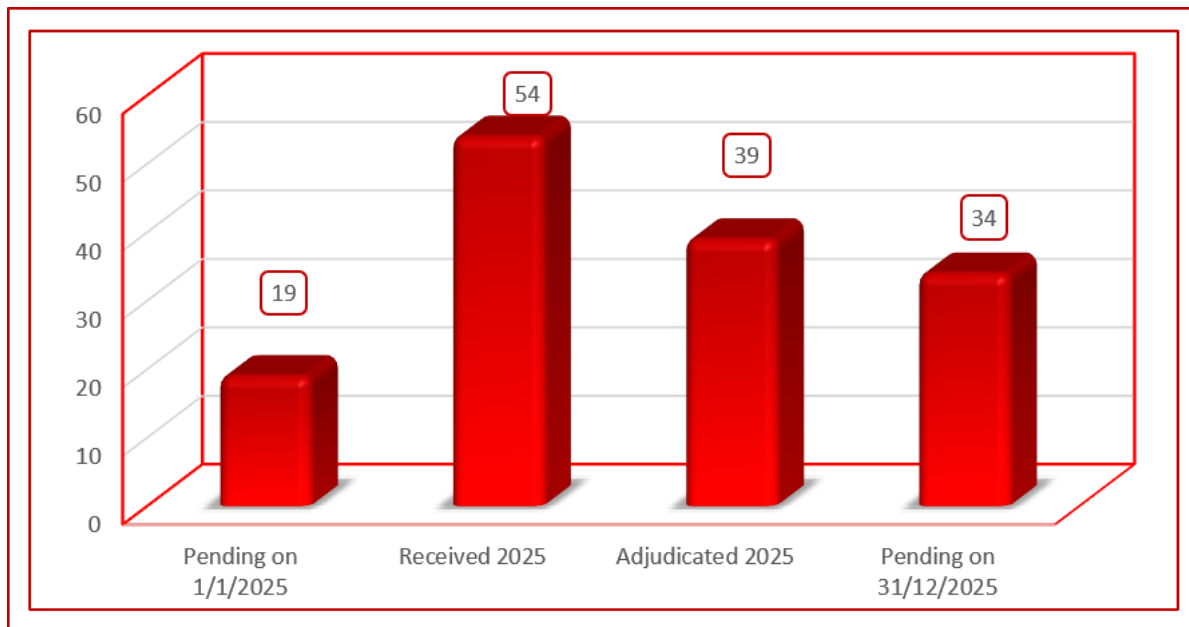
Figure 10 – Cases filed, decided and pending (incidental proceedings, 2025)



The data for proceedings by direct application show a significant increase in the backlog (+78.9%), with 34 cases still pending compared with 19 at the start of the year; during 2025, 54 applications were filed and 39 were decided.

Figure 11 illustrates the trend regarding proceedings by direct application during 2025.

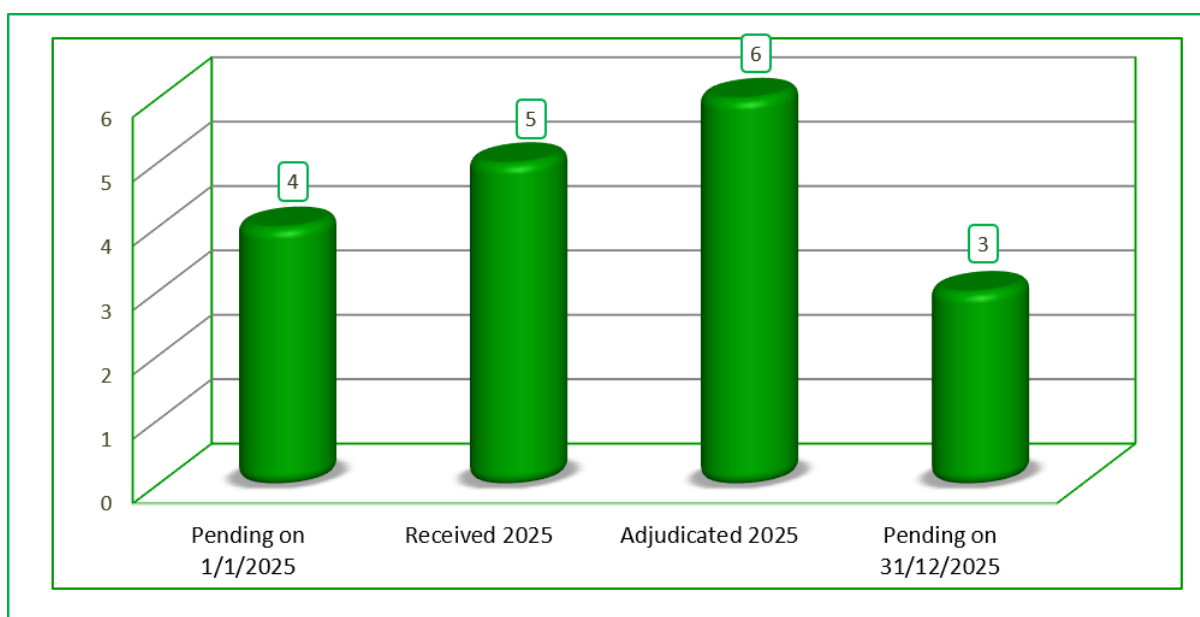
Figure 11 – Cases filed, decided and pending (proceedings by direct application, 2025)



As regards jurisdictional disputes between the State, Regions and Autonomous Provinces, the number of pending cases (3) is close to that at 1 January 2025 (4): during the year, 5 disputes were filed and 6 were resolved.

Figure 12 illustrates the position in pending jurisdictional disputes between the State, Regions and Autonomous Provinces during 2025.

Figure 12 – Cases filed, decided and pending (jurisdictional disputes between the State, Regions and Autonomous Provinces, 2025)

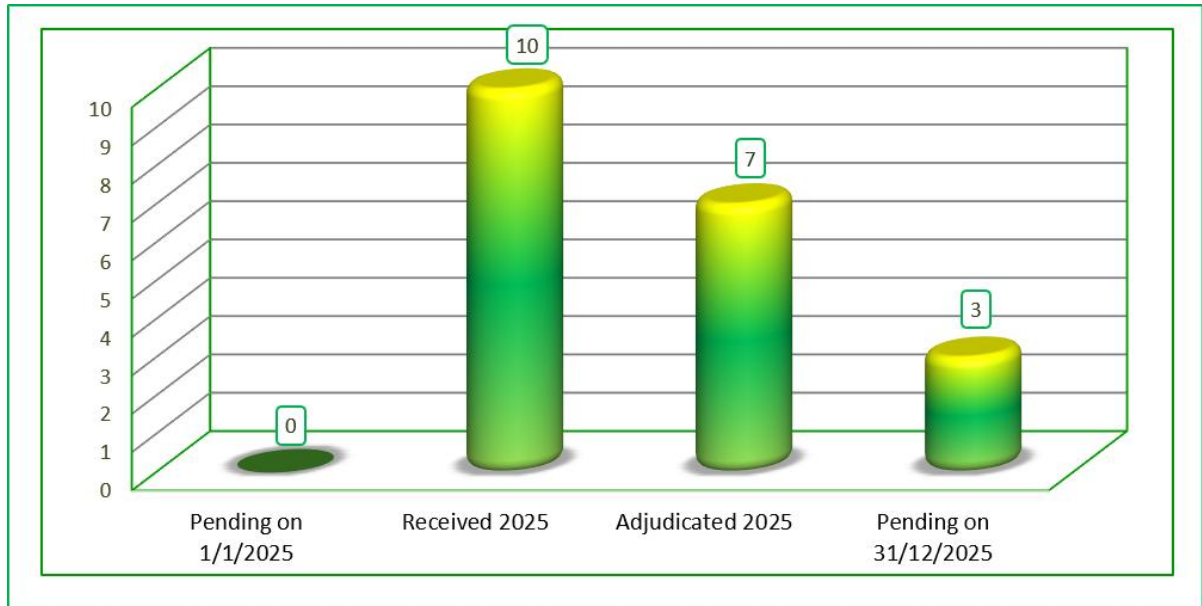


As regards jurisdictional disputes between branches of state, the admissibility stage data are examined separately from those of the merits stage.

There were 3 pending cases at the end of the year, whereas as at 1 January 2025 no such disputes were pending: during 2025, 10 cases were filed and 7 were resolved.

Figure 13 illustrates these data.

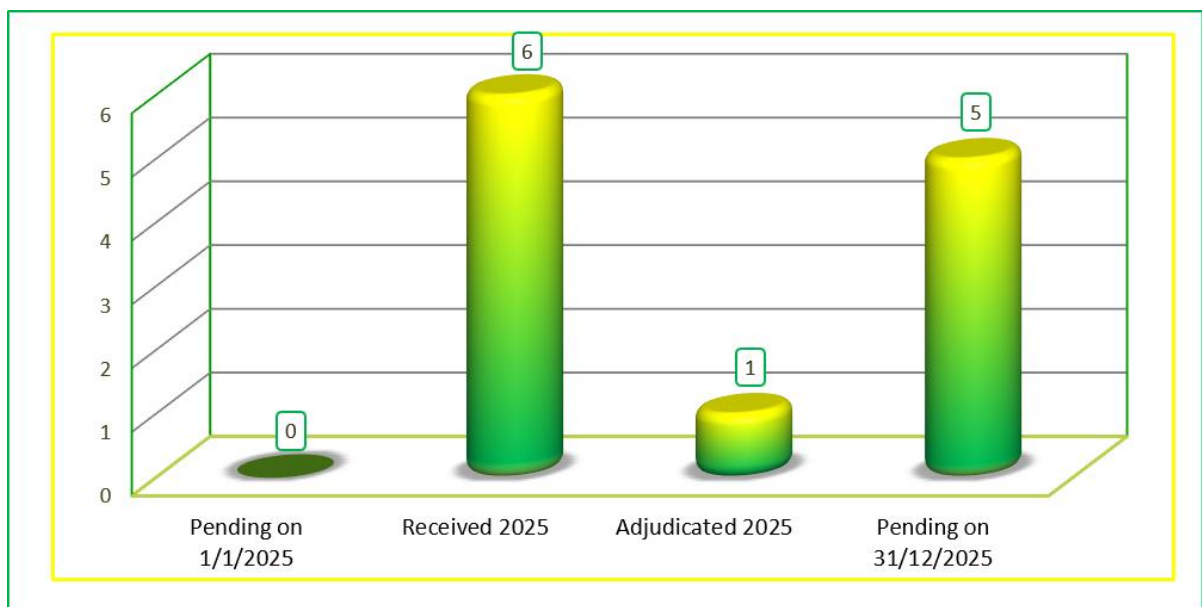
Figure 13 – Cases filed, decided and pending (jurisdictional disputes between branches of state – admissibility stage, 2025)



The merits stage shows the same pattern: no disputes were pending as at 1 January 2025; 5 were pending at the end of the year; during the year, 6 disputes were filed and 1 resolved.

Figure 14 shows the trend during 2025.

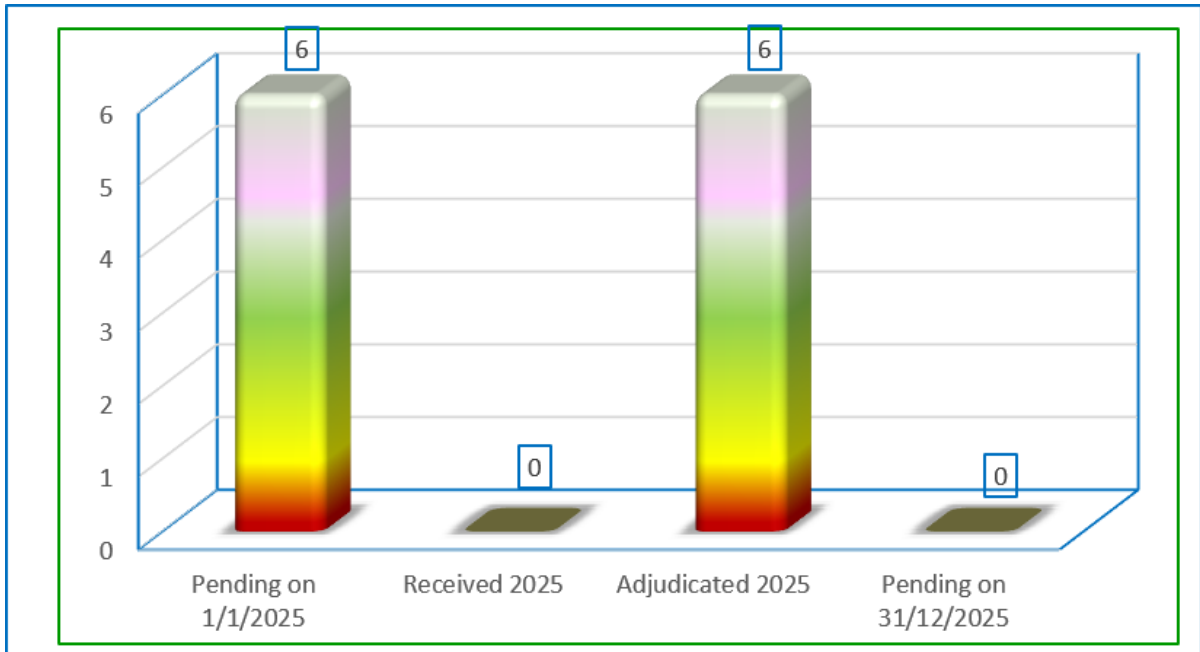
Figure 14 – Cases filed, decided and pending (jurisdictional disputes between branches of state – merits stage, 2025)



As regards referendum admissibility proceedings, as at 31 December 2025 no cases were pending: as at 1 January 2025, 6 cases were pending, and the relevant decisions were handed down within the statutory time limits. No orders were received from the Central Office for Referendums at the Court of Cassation during the year.

Figure 15 shows the trend during 2025.

Figure 15 – Cases filed, decided and pending (referendum admissibility, 2025)



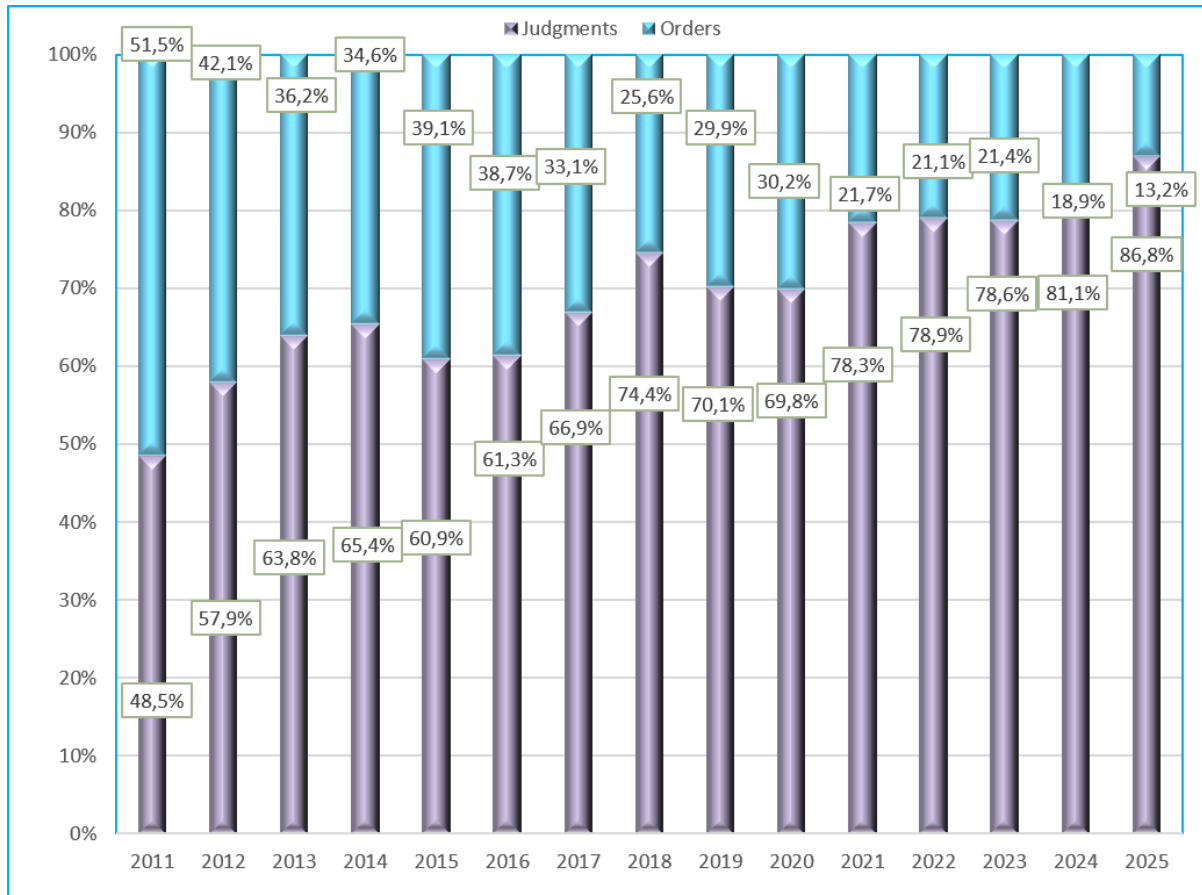
3. TYPES OF DECISIONS

The 219 decisions handed down in 2025 comprised 190 judgments and 29 orders, respectively accounting for 86.8% and 13.2% of the total.

In 2025, for the second time in the Court's recent history, the proportion of judgments exceeded 80% of the total decisions.

Figure 16 shows the percentages for the last fifteen years.

Figure 16 – The ratio of judgments to orders (2011–2025)

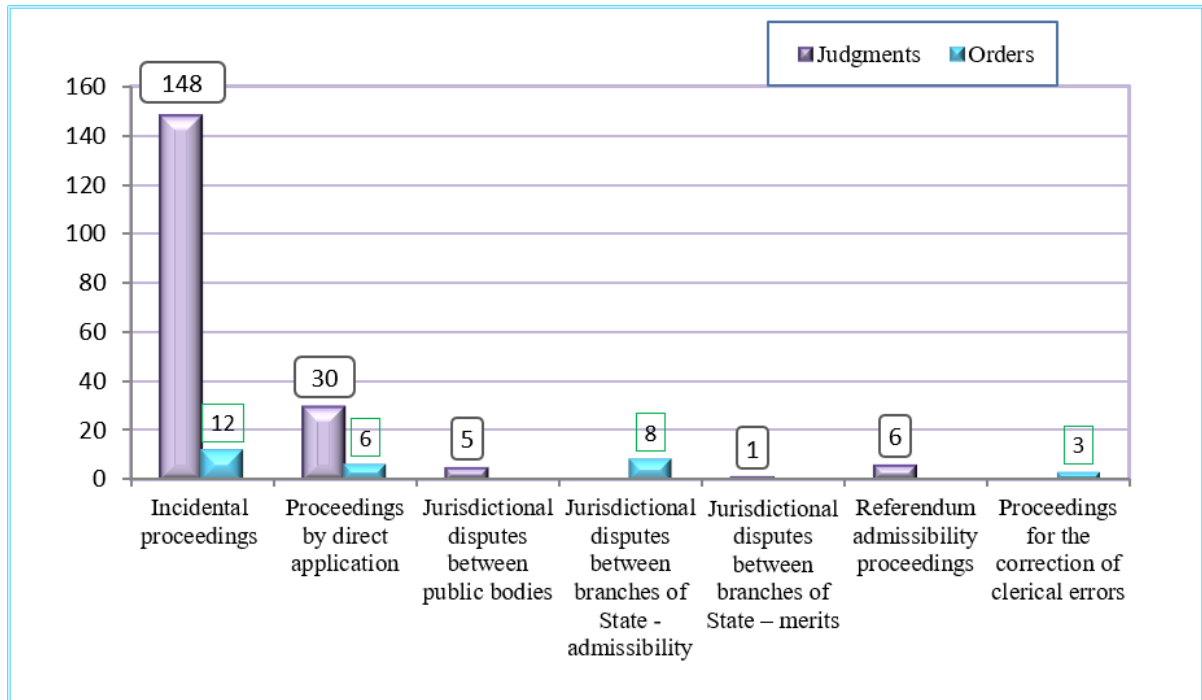


The figures for judgments and orders, broken down by type of proceedings, are set out below.

In incidental proceedings, 148 judgments and 12 orders were issued (92.5% and 7.5% respectively); in proceedings by direct application, 30 judgments and 6 orders (83.3% and 16.7% respectively); in proceedings on jurisdictional disputes between the State, Regions and Autonomous Provinces, 5 judgments; in proceedings on jurisdictional disputes between branches of state, 8 orders at the admissibility stage and 1 judgment at the merits stage.

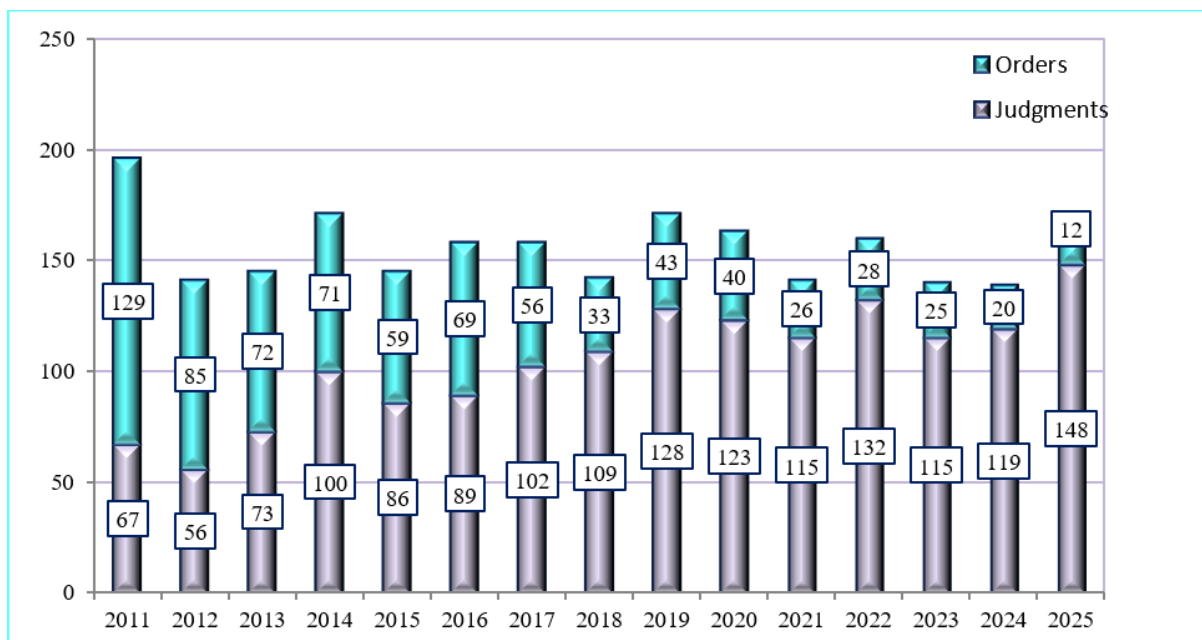
Figure 17 illustrates the data set out above, also highlighting the 6 judgments on the admissibility of referendums and the 3 orders correcting clerical errors.

Figure 17 – Judgments and orders by type of proceedings (2025)



In incidental proceedings, the 148 judgments in 2025 mark a significant increase (+24.4%) on the 119 in 2024; the 12 orders show a marked decrease (−40%) on the 20 in the previous year. Figure 18 illustrates the data for incidental proceedings over the last fifteen years.

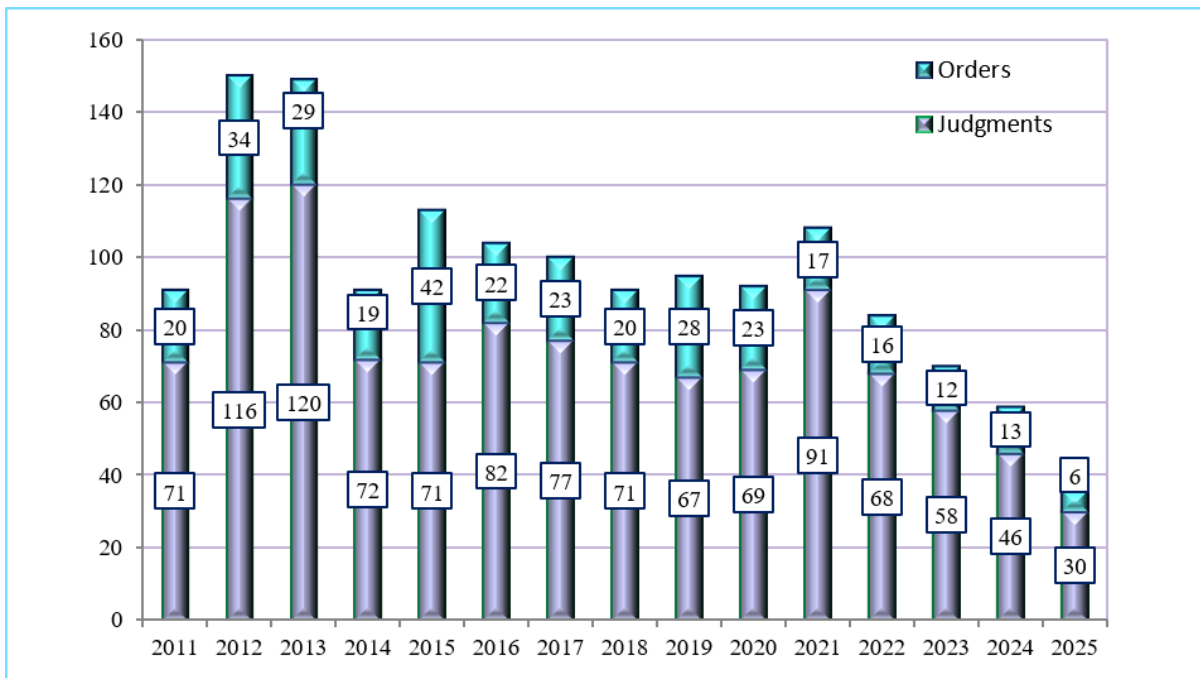
Figure 18 – The ratio of judgments to orders in incidental proceedings (2011–2025)



The 30 judgments regarding proceedings by direct application represent a significant decrease (−34.8%) compared with the 46 recorded in 2024. The number of orders (6) almost halved (−53.8%) compared with 2024 (13).

Figure 19 shows the data for proceedings by direct application from 2011 to the present.

Figure 19 – The ratio of judgments to orders in proceedings by direct application (2011–2025)



4. DATA ON CONSTITUTIONAL REVIEW PROCEEDINGS: DECISIONS WITHOUT A RULING ON THE MERITS, DECLARATIONS OF UNFOUNDEDNESS, AND DECLARATIONS OF UNCONSTITUTIONALITY

The tables below illustrate, for decisions handed down in the constitutional review of laws between 2021 and 2025, declarations of unconstitutionality, declarations of unfoundedness (including manifest unfoundedness), and cases in which the Court was unable to rule on the merits – resulting in a declaration of inadmissibility (including manifest inadmissibility) of the question raised in incidental proceedings or proceedings by direct application, or of discontinuance or cessation of the subject matter in proceedings by direct application.

The tables distinguish between decisions (i.e. rulings) and declarations (i.e. operative parts). A decision is not infrequently counted more than once where it contains operative parts of different kinds.

Incidental proceedings

Year	Declarations of inadmissibility (including manifest inadmissibility)	Declarations of unfoundedness (including manifest unfoundedness)	Declarations of unconstitutionality
2025	62 (57 decisions)	91 (74 decisions)	82 (66 decisions)
2024	69 (45 decisions)	69 (56 decisions)	76 (64 judgments)
2023	66 (54 decisions)	62 (53 decisions)	58 (49 judgments)
2022	83 (72 decisions)	55 (49 decisions)	75 (61 judgments)
2021	75 (68 decisions)	70 (58 decisions)	50 (40 judgments)

Proceedings by direct application

Year	Declarations of discontinuance of the proceedings	Declarations of cessation of the subject matter	Declarations of inadmissibility (including manifest inadmissibility)	Declarations of unfoundedness (including manifest unfoundedness)	Declarations of unconstitutionality
2025	5 (5 decisions)	—	22 (14 decisions)	17 (32 decisions)	43 (15 decisions)
2024	9 (9 decisions)	13 (10 decisions)	43 (19 decisions)	82 (30 decisions)	56 (29 judgments)
2023	13 (13 decisions)	9 (7 decisions)	37 (24 decisions)	82 (31 decisions)	97 (48 judgments)
2022	26 (23 decisions)	6 (5 decisions)	40 (30 decisions)	66 (38 decisions)	121 (48 judgments)
2021	22 (22 decisions)	24 (18 decisions)	44 (30 decisions)	80 (52 decisions)	106 (64 judgments)

5. THE CHOICE OF PROCEDURE

In 2025, the Court held 34 public hearings and sat 27 times in chambers.

Of the 219 decisions in total, 125 (57%) were adopted following a public hearing, 93 following in-chambers deliberation (42.5%), and 1 concerned matters addressed in both forums (0.5%); decisions following a public hearing once again predominated.

Almost all the rulings issued following a public hearing took the form of a judgment: of the 125 decisions, 122 were judgments (97.6%) and 3 were orders (2.4%). Judgments also accounted for the majority of the 93 decisions reached after in-chambers deliberation: 67 judgments (72%) and 26 orders (28%). The decision, handed down after deliberation in both forums, took the form of a judgment.

6. THE DURATION OF CONSTITUTIONAL PROCEEDINGS

Decision times in constitutional proceedings remain reasonably short – indeed shorter than in previous years.

The key figure concerns the average time taken between publication of the referral order or direct application and the hearing of the case.

Regarding incidental proceedings, 218 days elapsed between the publication of the referral order in the *Official Journal* and the date of hearing – longer than in 2024 (191 days), but still below the figures for the preceding three years (227 days in 2023, 292 in 2022 and 245 in 2021).

Regarding proceedings by direct application, the time between publication of the appeal in the *Official Journal* and the hearing was 267 days – slightly longer than in 2024 and 2023 (260 and 251 days, respectively), but significantly shorter than in earlier years (324 days in 2022 and 351 days in 2021).

In jurisdictional disputes between the State, Regions and Autonomous Provinces, 239 days elapsed between publication of the appeal in the *Official Journal* and the hearing – longer than in previous years (157 days in 2024, 172 in 2023 and 159 in 2022), with the exception of 2021 (331 days).

In jurisdictional disputes between branches of state, the interval between publication of the application declared admissible in the *Official Journal* and its hearing was 91 days – significantly shorter than in previous years (207 days in 2024, 170 in 2023, 202 in 2022 and 174 in 2021).

Average intervals between publication of the referral order or direct application and filing of the corresponding decision were 264 days for incidental proceedings, 309 for proceedings by direct application, 271 for jurisdictional disputes between the State, Regions and Autonomous Provinces, and 131 for the merits stage of jurisdictional disputes between branches of state.

7. THE JUDGES

As at 1 January 2025, the Court consisted of only 11 members: Vice-President Giovanni Amoroso, and Judges Francesco Viganò, Luca Antonini, Stefano Petitti, Angelo Buscema, Emanuela Navarretta, Maria Rosaria San Giorgio, Filippo Patroni Griffi, Marco D’Alberti, Giovanni Pitruzzella and Antonella Sciarrone Alibrandi.

On 21 January 2025, Dr Giovanni Amoroso was elected President of the Constitutional Court, and Prof. Francesco Viganò and Prof. Luca Antonini were appointed Vice-Presidents.

On 13 February, Prof. Massimo Luciani, Prof. Maria Alessandra Sandulli, Attorney Roberto Nicola Cassinelli and Prof. Francesco Saverio Marini were elected by Parliament. Following their swearing-in on 19 February, the Court resumed its work with a full complement

of members.

President Giovanni Amoroso presided over the Court throughout 2025, signing all 219 decisions issued that year.

II. ANALYSIS OF DECISION TYPES

1. INCIDENTAL PROCEEDINGS

UNCONSTITUTIONALITY		
1. Full declaration of unconstitutionality Judgments Nos 24, 43, 51, 70, 104, 108, 147 (2 operative parts), 150, 153, 174, 189 (2 operative parts)		
2. Manipulative ruling		
<p style="text-align: center;">Ablative</p> <p>Judgments Nos</p> <p>“limited to the words ...” 36, 38, 52, 118, 201, 213</p> <p>“insofar as it provides(d)...” 7, 104, 117, 123 (the same operative part also contains a declaration of additive unconstitutionality), 124 (the same operative part contains 2 declarations of unconstitutionality) 151, 158, 203</p> <p>“insofar as it confirmed the application of Article...” 150</p> <p>“insofar as it provides...” 16</p> <p>“insofar as it establishes...” 56</p> <p>“limited to the phrase...” 4, 30</p> <p>“insofar as they require...” 1</p> <p>“insofar as it refers to...” 172</p> <p>“insofar as it prohibits...” 62</p> <p>“insofar as it referred to...” 174</p>	<p style="text-align: center;">Additive</p> <p>Judgments Nos</p> <p>“insofar as it does/they do not provide...” 3, 58, 68, 71, 74, 76 (the same operative part contains 3 declarations of unconstitutionality of several paragraphs of the same provision), 83, 86, 93, 109, 111, 123 (the same operative part also contains a declaration of ablative unconstitutionality), 156, 170, 202, 212</p> <p>“insofar as it fails to include...” 33, 197</p> <p>“insofar as it does not exclude...” 94 (“with effect from the day following the publication of this judgment in the Official Journal”), 179</p> <p>“insofar as it does not recognise...” 115</p> <p>“insofar as it does not allow...” 90, 130, 143, 173, 210</p> <p>“insofar as it does not exempt...” 25</p>	<p style="text-align: center;">Substitutive</p> <p>Judgments Nos</p> <p>“insofar as it provides(d)... rather than...” 31, 55, 78, 116</p> <p>“insofar as it lays down... instead of...” 37, 83</p> <p>“insofar as it indicates... instead of ...” 23, 135 (“with effect from the day following the publication of this judgment in the Official Journal”)</p> <p>“insofar as it prescribes... instead of ...” 36</p> <p>“insofar as it refers to Article... instead of to paragraphs...” 39</p> <p>“insofar as it establishes that... instead of...” 112</p>

3. Consequential unconstitutionality

Judgments Nos 7, 62, 70, 76, 147 (3 operative parts), 170, 212

UNFOUNDEDNESS

Judgments Nos 2, 5, 9, 19, 23 (“within the meaning set out in the reasoning”), 27, 34, 36 (2 operative parts), 37, 38, 40, 44, 46, 49, 52, 53, 59, 66, 69, 72, 73, 75, 77, 81, 82, 87 (“within the meaning set out in the reasoning”), 88, 90, 91, 95, 100 (3 operative parts), 101 (3 operative parts, 1 of which “within the meaning set out in the reasoning”), 102, 103, 107, 108, 113, 119, 120 (2 operative parts), 121, 128, 129, 135 (2 operative parts), 137 (“within the meaning set out in the reasoning”), 138, 139, 141 (3 operative parts), 142, 144, 145, 146, 147 (2 operative parts), 154 (2 operative parts, 1 of which also contains a consequential declaration of unfoundedness), 157, 160 (“within the meaning set out in the reasoning”), 164, 166 (2 operative parts, 1 of which “within the meaning set out in the reasoning”), 167, 171, 180 (3 operative parts, 1 of which “within the meaning set out in the reasoning”), 182, 185, 187, 190, 191, 193, 199 (2 operative parts), 203, 205, 207 (3 operative parts), 216

MANIFEST UNFOUNDEDNESS

Orders Nos 50, 195, 219

INADMISSIBILITY

Judgments Nos 5, 8 (“within the meaning set out in the reasoning”), 16, 19, 20, 25, 31, 37, 43, 47, 51, 52, 55 (2 operative parts), 59, 62, 67, 69, 72 (2 operative parts), 73, 88, 90, 91, 95, 96 (2 operative parts), 97, 99, 100, 105 (2 operative parts), 110, 113, 116, 125, 127, 132, 137, 142 (2 operative parts), 155, 157, 158, 159, 160, 162, 175, 182, 183, 185, 203, 205, 214, 215, 217

MANIFEST INADMISSIBILITY

Orders Nos 35, 41, 63, 208, 209, 219

RETURN OF THE CASE FILE TO THE REFERRING COURT

Judgments Nos 101, 165
Order No 192

REFERENCE FOR A PRELIMINARY RULING TO THE COURT OF JUSTICE OF THE EUROPEAN UNION

Order No 21

INADMISSIBILITY OF ENTRY OF APPEARANCE

Judgment No 43

THIRD-PARTY INTERVENTION

Admissibility

Judgment No 156
Hearing orders appended to Judgments Nos 66, 132

Inadmissibility

Judgments Nos 142, 150, 189, 199
Orders Nos 60, 85
Hearing orders appended to Judgments Nos 19, 99, 139, 165, 167, 174

2. PROCEEDINGS BY DIRECT APPLICATION

UNCONSTITUTIONALITY		
<p>1. Full declaration of unconstitutionality Judgments Nos 22, 28, 80, 89, 114 (2 operative parts), 122, 134, 184 (4 operative parts), 196 (13 operative parts), 198, 204 (the same operative part also contains a declaration of partial unconstitutionality), 211</p>		
<p>2. Manipulative rulings</p>		
<p style="text-align: center;">Ablative</p> <p>Judgments Nos</p> <p>“insofar as it replaces..., limited to the second sentence” 198</p> <p>“limited to the phrase...” 57, 64, 184, 196 (3 operative parts), 204 (the same operative part also contains a declaration of full unconstitutionality)</p>	<p>Additive</p> <p>—</p>	<p style="text-align: center;">Substitutive</p> <p>Judgments Nos</p> <p>“insofar as it provides... rather than...” 131 (2 operative parts)</p> <p>“insofar as it lays down that... instead of...” 134, 196</p> <p>“where it lays down that... instead of...” 196 (2 operative parts)</p>
<p>3. Consequential unconstitutionality Judgments Nos 184, 196</p>		
UNFOUNDEDNESS		
<p>Judgments Nos 32 (“within the meaning set out in the reasoning”), 45 (2 operative parts), 48, 57, 65, 84, 114, 136 (3 operative parts), 152 (2 operative parts), 161, 177, 184 (2 operative parts, 1 of which “within the meaning set out in the reasoning”), 186 (6 operative parts), 196 (2 operative parts, 1 of which “within the meaning set out in the reasoning”), 200, 204 (3 operative parts), 218 (3 operative parts)</p>		
INADMISSIBILITY		
<p>Judgments Nos 22, 45 (2 operative parts), 48, 106, 126, 134, 136, 152, 161, 184 (2 operative parts), 186 (2 operative parts), 188 (2 operative parts), 196 (5 operative parts), 218</p>		
DISCONTINUANCE OF THE PROCEEDINGS		
<p>Orders Nos 17, 29, 92, 169, 194</p>		
EVIDENTIARY ORDERS ADJOURNING THE CASE FOR RE-LISTING		
<p>Order No 54</p>		
THIRD-PARTY INTERVENTION		
Inadmissibility		
<p>Hearing orders appended to Judgments Nos 28, 134, 184</p>		

3. PROCEEDINGS ON JURISDICTIONAL DISPUTES BETWEEN THE STATE, REGIONS AND AUTONOMOUS PROVINCES

<p style="text-align: center;">GRANT OF THE APPLICATION</p> <p>Judgments Nos 148, 163 (2 operative parts)</p>
<p style="text-align: center;">ANNULMENT OF THE CHALLENGED ACT</p> <p>Judgments Nos 148 (“<i>in parte qua</i>”), 163</p>
<p style="text-align: center;">DISMISSAL OF THE APPLICATION</p> <p>Judgment No 26</p>
<p style="text-align: center;">THE COURT’S INABILITY TO PROCEED</p> <p>Judgment No 42</p>
<p style="text-align: center;">INADMISSIBILITY OF THE DISPUTE</p> <p>Judgments Nos 148, 149</p>
<p style="text-align: center;">THIRD-PARTY INTERVENTION</p>
<p style="text-align: center;">Admissibility</p> <p>Hearing order appended to Judgment No 42</p>

4. PROCEEDINGS ON JURISDICTIONAL DISPUTES BETWEEN BRANCHES OF STATE

ADMISSIBILITY STAGE

<p style="text-align: center;">ADMISSIBILITY OF THE APPLICATION</p> <p>Orders Nos 98, 133, 140, 168, 176, 181</p>
<p style="text-align: center;">INADMISSIBILITY OF THE APPLICATION</p> <p>Order No 178</p>
<p style="text-align: center;">DISMISSAL OF THE APPLICATION FOR INTERIM RELIEF</p> <p>Order No 79</p>

MERITS STAGE

<p style="text-align: center;">INADMISSIBILITY OF THE DISPUTE</p> <p>Judgment No 206</p>

5. PROCEEDINGS ON THE ADMISSIBILITY OF REFERENDUMS

ADMISSIBILITY OF THE REFERENDUM REQUEST

Judgments Nos 11, 12, 13, 14, 15

INADMISSIBILITY OF THE REFERENDUM REQUEST

Judgment No 10

6. PROCEEDINGS FOR THE CORRECTION OF CLERICAL ERRORS AND OMISSIONS

CORRECTION OF CLERICAL ERROR

“orders that, in Judgment/Order No ..., the following clerical error[s] be corrected: ...”

Orders Nos 6, 18, 61

III. LIST OF DECLARATIONS OF UNCONSTITUTIONALITY

1. STATE LAWS

JUDGMENT No 3

declares that Article 9(3) of Law No 108 of 17 February 1968 (Provisions for the election of Regional Councils of Regions with normal statute) and Article 2(6), of Legislative Decree No 82 of 7 March 2005 (Digital Administration Code) are unconstitutional insofar as they do not provide, for electors who are unable to affix a handwritten signature due to a certified inability resulting from a serious physical impediment or because they are entitled to vote at home, for the possibility of signing a digital document by means of a qualified electronic signature, to which a time stamp validly enforceable against third parties is attached.

JUDGMENT No 4

declares that Article 1-*bis*(1) of Decree-Law No 145 of 18 October 2023 (Urgent economic and fiscal measures in favour of local authorities for the protection of employment and to address urgent needs), converted, with amendments, into Law No 191 of 15 December 2023, is unconstitutional, limited to the phrase “and offsetting, for the personnel of the National Labour Inspectorate (*Ispettorato nazionale del lavoro*), from the amounts to be paid for the year 2022, the lump-sum allowance referred to in Article 32-*bis* of Decree-Law No 50 of 17 May 2022, converted, with amendments, by Law No 91 of 15 July 2022”.

JUDGMENT No 7

1) *declares* that Article 2641(2) of the Civil Code is unconstitutional insofar as it provides for the mandatory confiscation of a sum of money or property of corresponding value to that used in committing a crime;

2) *declares*, in accordance with Article 27 of Law No 87 of 11 March 1953 (Rules on the constitution and functioning of the Constitutional Court), that Article 2641(1) of the Civil Code is unconstitutional with sole regard to the phrase “and the property used to commit it”.

JUDGMENT No 16

1) *declares* that Article 4(2) of Law No 319 of 8 July 1980 (Remuneration payable to experts, technical consultants, interpreters and translators for work carried out at the request of the judicial authorities) is unconstitutional insofar as it provides that, for two-hour sessions (“*vacazione*”) subsequent to the first, remuneration is set at a lower fee than that established for the first session;

JUDGMENT No 23

1) *declares* that Article 27-*bis*(2) of Presidential Decree No 448 of 22 September 1988 (Approval of provisions on criminal proceedings against juvenile defendants), inserted by Article 8(1)(b) of Decree-Law No 123 of 15 September 2023 (Urgent measures to combat youth distress, educational poverty and juvenile crime, as well as to ensure the safety of minors in the digital environment), converted, with amendments, into Law No 159 of 13 November 2023, is

unconstitutional insofar as it indicates the “judge for preliminary investigations” instead of the “judge of the preliminary hearing, pursuant to Article 50-*bis*(2) of Royal Decree No 12 of 30 January 1941 (Judicial system)”;

JUDGMENT No 24

declares that Article 30-*ter*(5) of Law No 354 of 26 July 1975 (Provisions on the prison system and the enforcement of measures involving deprivation or restriction of liberty) is unconstitutional.

JUDGMENT No 25

1) *declares* that Article 9.1 of Law No 91 of 5 February 1992 (New provisions on citizenship), introduced by Article 14(1)(a-*bis*) of Decree-Law No 113 of 4 October 2018 (Urgent provisions on international protection and immigration, public security, as well as measures for the functioning of the Ministry of the Interior and the organisation and operation of the National Agency for the Administration and Disposal of Assets Seized and Confiscated from Organised Crime), converted, with amendments, into Law No 132 of 1 December 2018, is unconstitutional insofar as it does not exempt applicants affected by serious limitations in their capacity for language learning, arising from age, medical conditions or disabilities, as attested by certification issued by a public health authority, from the requirement to prove knowledge of the Italian language;

JUDGMENT No 30

declares that Article 41-*bis*(2-*quater*)(f), first sentence, of Law No 354 of 26 July 1975 (Provisions on the prison system and the enforcement of measures involving deprivation or restriction of liberty) is unconstitutional, limited to the phrase “, for a period not exceeding two hours per day, without prejudice to the minimum limit referred to in Article 10(1)”.

JUDGMENT No 31

1) *declares* that Article 2(1)(a)(2) of Decree-Law No 4 of 28 January 2019 (Urgent provisions on basic income support and pensions), converted, with amendments, into Law No 26 of 28 March 2019, is unconstitutional insofar as it provided that the beneficiary of basic income support be resident in Italy “for at least 10 years”, instead of “for at least 5 years”;

JUDGMENT No 33

declares that Article 29-*bis*(1) of Law No 184 of 4 May 1983 (Right of the child to a family) is unconstitutional insofar as, by making reference to Article 6, it fails to include single persons residing in Italy among those who may submit a declaration of availability to adopt a foreign child residing abroad and request the Family Court of the district in which they reside to decree their suitability for adoption.

JUDGMENT No 36

1) *declares* that Article 58(3) of Legislative Decree No 546 of 31 December 1992 (Provisions on tax proceedings implementing the delegation to the Government contained in Article 30 of Law No 413 of 30 December 1991), as introduced by Article 1(1)(bb) of Legislative Decree No 220 of 30 December 2023 (Provisions on tax proceedings), is unconstitutional, limited to the phrase “of proxies, powers of attorney and other instruments conferring authority relevant to the validity of the signature of documents”;

2) *declares* that Article 4(2) of Legislative Decree No 220 of 30 December 2023 (Provisions on tax proceedings) is unconstitutional insofar as it prescribes that the provisions referred to in Article 1(1)(bb) of the same Legislative Decree No 220/2023 apply to appeal proceedings from the day following its entry into force, instead of appeals where the first instance was instituted after the entry into force of that legislative decree;

JUDGMENT No 38

1) *declares* that Article 104-bis(1-bis.2) of the Implementing Rules of the Code of Criminal Procedure is unconstitutional, limited to the phrase “Decisions on the appeal against the order referred to in the first sentence shall be made by the Court of Rome, sitting as a bench.”;

JUDGMENT No 39

declares that Article 14(6) of Legislative Decree No 286 of 25 July 1998 (Consolidated text on provisions concerning immigration and the status of foreign nationals), as amended by Article 18-bis(1)(b)(2) of Decree-Law No 145 of 11 October 2024 (Urgent provisions on the entry into Italy of foreign workers, the protection and assistance of victims of illegal recruitment, the management of migration flows and international protection, and related judicial proceedings), converted, with amendments, into Law No 187 of 9 December 2024, and referred to in Article 6(5-bis) of Legislative Decree No 142 of 18 August 2015 (Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection and Directive 2013/32/EU on common procedures for granting and withdrawing international protection), as introduced by Article 18(1)(a)(2) of Decree-Law No 145/2024, as converted into law, is unconstitutional insofar as, in the third sentence, it refers to Article 22(5-bis), fourth sentence, of Law No 69/2005, instead of to paragraphs 3 and 4 of that article.

JUDGMENT No 43

declares that Article 6(1)(c) and (2) of Decree-Law No 511 of 28 November 1988 (Urgent provisions on regional and local finance), converted, with amendments, into Law No 20 of 27 January 1989, as replaced by Article 5(1) of Legislative Decree No 26 of 2 February 2007 (Implementation of Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity), is unconstitutional;

JUDGMENT No 52

1) *declares* that Article 47-quinquies(7) of Law No 354 of 26 July 1975 (Provisions on the prison system and the enforcement of measures involving deprivation or restriction of liberty) is unconstitutional, limited to the words “and it is not possible to entrust the children to anyone other than the father”;

JUDGMENT No 55

1) *declares* that Article 34(2) of the Criminal Code is unconstitutional insofar as it provides that a conviction for the offence under Article 572(2) of the Criminal Code, committed in the presence of or to the detriment of minors, with abuse of parental responsibility, entails suspension of parental responsibility, rather than allowing the court to order it;

JUDGMENT No 56

declares that Article 69(4) of the Criminal Code is unconstitutional insofar as it establishes the rule prohibiting the mitigating circumstance under Article 625-*bis* of the Criminal Code from prevailing over repeated recidivism under Article 99(4) of the Criminal Code.

JUDGMENT No 58

declares that Article 143(1) of Presidential Decree No 115 of 30 May 2002, entitled “Consolidated text of legislative and regulatory provisions on legal costs (Text A)”, is unconstitutional insofar as it does not provide for the advance payment by the State of the fees and expenses due to court-appointed counsel for the insolvent parent in proceedings under Law No 184 of 4 May 1983 (The right of the child to a family).

JUDGMENT No 68

declares that Article 8 of Law No 40 of 19 February 2004 (Provisions on assisted reproductive technology) is unconstitutional insofar as it does not provide that a child born in Italy to a woman who has had recourse to assisted reproductive techniques abroad, in accordance with the law in force there, is also recognised as the child of the woman who likewise gave prior consent to the use of those techniques and to the associated assumption of parental responsibility.

JUDGMENT No 70

1) *declares* that Article 57 of Law No 247 of 31 December 2012 (New provisions regulating the legal profession) is unconstitutional;

2) *declares* that Article 17(16) of Law No 247/2012 is unconstitutional by way of consequential ruling pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court).

JUDGMENT No 71

declares that Article 4(4-*bis*) of Decree-Law No 68 of 16 June 2022 (Urgent provisions on the safety and development of infrastructure, transport and sustainable mobility, as well as on major events and the functioning of the Ministry of Sustainable Infrastructure and Mobility), converted, with amendments, into Law No 108 of 5 August 2022, is unconstitutional insofar as it does not provide for the application of the criteria set out in Article 3(4) of Presidential Decree No 177 of 7 October 2015 (Regulation laying down provisions on the methods for calculating

and liquidating the remuneration of judicial administrators entered in the register referred to in Legislative Decree No 14 of 4 February 2010) for the calculation of the remuneration of the Commissioner appointed pursuant to Article 95(18) of Decree-Law No 104 of 14 August 2020 (Urgent measures for economic support and recovery), converted, with amendments, into Law No 126 of 13 October 2020.

JUDGMENT No 74

declares that Article 63(3) of the Criminal Code is unconstitutional insofar as it does not provide that “[w]hen a circumstance for which the law establishes a penalty of a different nature from that ordinarily applicable to the offence, or a circumstance with a special effect, concurs with recidivism under Article 99(1) of the Criminal Code, only the penalty established for the most serious circumstance shall apply, although the court may increase it”.

JUDGMENT No 76

1) *declares* that Article 35 of Law No 833 of 23 December 1978 (Establishment of the National Health Service) is unconstitutional insofar as:

–it does not provide, in the first paragraph, after the words “must be”, for the words “communicated to the person concerned or to their legal representative, where applicable, and”;

–it does not contain, in the second paragraph, after the words “having gathered the information”, the words “, having heard the person concerned”;

–it does not contain, in the second paragraph, after the words “shall notify the mayor”, the words “and shall arrange for notification to the person concerned or to their legal representative, where applicable”;

2) *declares* that, by way of consequential ruling pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), Article 35 of Law No 833/1978 is unconstitutional insofar as it does not provide, in the fourth paragraph, after the words “shall notify”, for the words “the person concerned or their legal representative, where applicable, and”.

JUDGMENT No 78

declares that Article 30-*bis*(3) of Law No 354 of 26 July 1975 (Provisions on the prison system and the enforcement of measures involving deprivation or restriction of liberty) is unconstitutional insofar as it provides that complaints against decisions concerning the leave referred to in Article 30 must be lodged by the detainee within twenty-four hours of notification, rather than within fifteen days.

JUDGMENT No 83

1) *declares* that Article 583-*quinquies*(1) of the Criminal Code, inserted by Article 12(1) of Law No 69 of 19 July 2019 (Amendments to the Criminal Code, the Code of Criminal Procedure and other provisions on the protection of victims of domestic and gender-based violence), is unconstitutional insofar as it does not provide that the penalty it imposes is reduced by no more than one third where, by reason of the nature, type, means, manner or circumstances

of the act, or by reason of the particularly minor seriousness of the harm or danger, the offence is of a less serious nature”.

2) *declares* that Article 583-*quinquies*(2) of the Criminal Code is unconstitutional insofar as it lays down that “it entails perpetual interdiction”, instead of “it may entail interdiction”.

JUDGMENT No 86

declares that Article 2941(1)(7) of the Civil Code is unconstitutional insofar as it does not provide for the suspension of the limitation period between unrecognised associations and their directors for liability claims against them while they remain in office.

JUDGMENT No 90

1) *declares* that Article 168-*bis*(1) of the Criminal Code is unconstitutional insofar as it does not allow the suspension of proceedings with probation for the offence provided for in Article 73(5) of Presidential Decree No 309 of 9 October 1990 (Consolidated text on the regulation of narcotic drugs and psychotropic substances, and the prevention, treatment and rehabilitation of drug addiction);

JUDGMENT No 93

declares that Article 70(1) of Presidential Decree No 633 of 26 October 1972 (Establishment and regulation of value added tax), in relation to Articles 282 and 301 of Presidential Decree No 43 of 23 January 1973 (Approval of the consolidated text of legislative provisions on customs matters), is unconstitutional insofar as, in providing that “[t]he provisions of customs laws relating to customs duties apply with regard to disputes and penalties”, it does not provide that, where Article 301 of Presidential Decree No 43/1973 is applied, the goods constituting the subject matter of the infringement are not subject to confiscation if the person liable pays in full the amount evaded, the ancillary charges, including interest, and the pecuniary penalty.

JUDGMENT No 94

declares that, with effect from the day following the publication of this judgment in the *Official Journal of the Italian Republic*, Article 1(16) of Law No 335 of 8 August 1995 (Reform of the compulsory and supplementary pension system) is unconstitutional insofar as it does not exclude the ordinary disability pension calculated entirely under the contributory scheme from the prohibition on applying the provision on minimum pension top-up.

JUDGMENT No 104

1) *declares* that Article 7(3-*quater*) of Decree-Law No 158 of 13 September 2012 (Urgent provisions to promote national development through a higher level of health protection), converted, with amendments, into Law No 189 of 8 November 2012, is unconstitutional;

2) *declares* that Article 1(923), first sentence, of Law No 208 of 28 December 2015, entitled “Provisions for the preparation of the annual and multiannual State budget (2016 Stability Law)”, is unconstitutional insofar as it provides for an administrative penalty of twenty thousand euros for the breach of Article 7(3-*quater*) of Decree-Law No 158/2012, as converted into law.

JUDGMENT No 109

declares that Article 34-*bis*(7) of Legislative Decree No 159 of 6 September 2011 (Code of Anti-Mafia Laws and Preventive Measures, as well as new provisions on anti-Mafia documentation, pursuant to Articles 1 and 2 of Law No 136 of 13 August 2010) is unconstitutional insofar as it does not provide that the suspension of the effects of the interdiction notice resulting from admission to judicial supervision continues, in the event of its successful conclusion, until the completion of the procedure for updating the interdiction measure referred to in Article 91(5) of the Anti-Mafia Code.

JUDGMENT No 111

declares that Article 6(1) of Law No 604 of 15 July 1966 (Provisions on individual dismissals) is unconstitutional insofar as it does not provide that, if at the time of receipt of the notice of dismissal or during the sixty days for challenging it, including out-of-court, the employee is mentally incapacitated, the requirement of prior challenge, including out-of-court challenge, does not apply, and the dismissal may be challenged within the total limitation period of two hundred and forty days from receipt of the notice by filing an application, which may also be an interim application, or by notifying the other party of a request for conciliation or arbitration.

JUDGMENT No 112

declares that Article 8(2) of Legislative Decree No 504 of 30 December 1992 (Reorganisation of the finances of local authorities, pursuant to Article 4 of Law No 421 of 23 October 1992), as amended by Article 1(173)(b) of Law No 296 of 27 December 2006 (Provisions for the formation of the annual and multiannual State budget (2007 Finance Act)), is unconstitutional insofar as it establishes that, “principal residence is understood as that in which the taxpayer, who holds it by way of ownership, usufruct or other real right, and his family members habitually reside”, instead of “principal residence is understood as that in which the taxpayer, who holds it by way of ownership, usufruct or other real right, habitually resides”.

JUDGMENT No 114

1) *declares* that the second sentence of Article 5(2) of Decree-Law No 73 of 7 June 2024 (Urgent measures to reduce waiting times for healthcare services), converted, with amendments, into Law No 107 of 29 July 2024, is unconstitutional;

2) *declares* that the second sentence of Article 5(1) of Decree-Law No 73/2024, as converted into law, is unconstitutional;

JUDGMENT No 115

declares that Article 27-*bis* of Legislative Decree No 151 of 26 March 2001 (Consolidated text of legislative provisions on the protection and support of maternity and paternity, pursuant to Article 15 of Law No 53 of 8 March 2000), as inserted by Article 2(1)(c) of Legislative Decree No 105 of 30 June 2022, concerning “Implementation of Directive (EU) 2019/1158 of

the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU”, is unconstitutional insofar as it does not recognise compulsory paternity leave for a female worker, the intended parent, in a female couple registered as parents in the civil registry.

JUDGMENT No 116

1) *declares* that Article 12(3), second sentence, of Legislative Decree No 220 of 2 August 2002 (Provisions on the reorganisation of the supervision of cooperative bodies, pursuant to Article 7(1) of Law No 142 of 3 April 2001, concerning: “Revision of legislation on cooperatives, with particular reference to the position of worker-members”) is unconstitutional insofar as it provides that cooperative bodies which evade supervision “shall be subject to dissolution by decision of the authority pursuant to Article 2545-*septiesdecies* of the Civil Code and Article 223-*septiesdecies* of the provisions for the implementation of the Civil Code and transitional provisions, referred to in Royal Decree No 318 of 30 March 1942, with the consequent obligation to transfer the assets pursuant to Article 2514(1)(d) of the Civil Code” instead of providing that the supervisory authority appoint a commissioner pursuant to Article 2545-*sexiesdecies* of the Civil Code, who may be the legal representative or a member of the company’s supervisory body, who replaces the entity’s administrative bodies, limited to the fulfilment of the specific obligations indicated;

JUDGMENT No 117

declares that Article 69(4) of the Criminal Code is unconstitutional insofar as it provides that the mitigating circumstance of the offence of minor seriousness – introduced by Judgment No 86/2024 of this Court in relation to the offence of robbery – is precluded from taking precedence over the aggravating circumstance of repeated recidivism referred to in Article 99(4) of the Criminal Code.

JUDGMENT No 118

declares that Article 9(1) of Legislative Decree No 23 of 4 March 2015 (Provisions concerning open-ended employment contracts with increasing protections, implementing Law No 183 of 10 December 2014) is unconstitutional, limited to the words “and may in no case exceed the limit of six months’ remuneration”.

JUDGMENT No 123

declares that Article 85(2-*ter*) of Legislative Decree No 150 of 10 October 2022 (Implementation of Law No 134 of 27 September 2021, delegating powers to the Government for the efficiency of criminal proceedings, as well as in matters of restorative justice and provisions for the expeditious conclusion of judicial proceedings), as referred to in Article 9 of Legislative Decree No 31 of 19 March 2024 (Supplementary and corrective provisions to Legislative Decree No 150 of 10 October 2022, implementing Law No 134 of 27 September 2021, delegating powers to the Government for the efficiency of criminal proceedings, as well as in matters of restorative justice and provisions for the expeditious conclusion of judicial proceedings), is unconstitutional insofar as it provides that proceedings must continue to be brought on the authority’s initiative for the offence under Article 612-*bis* of the Criminal Code connected with the offence referred to in Article 635(2)(1) of the Criminal Code committed

before the date of entry into force of Legislative Decree No 31/2024, concerning property exposed by necessity, custom or intended for public trust, and insofar as it does not provide that, with regard to that offence under Article 612-*bis* of the Criminal Code, the time limits laid down in Article 85(1) and (2) of Legislative Decree No 150/2022 run from the date of publication of this judgment in the *Official Journal*.

JUDGMENT No 124

declares that Article 1(10) of Decree-Law No 137 of 28 October 2020 (Further urgent measures concerning health protection, support for workers and businesses, justice and security, in connection with the COVID-19 epidemic), converted, with amendments, into Law No 176 of 18 December 2020, and Article 25(12) of Decree-Law No 34 of 19 May 2020 (Urgent measures concerning health, support for employment and the economy, as well as social policies relating to the COVID-19 epidemic), converted, with amendments, into Law No 77 of 17 July 2020, are unconstitutional insofar as they provide that disputes relating to the recovery of the non-repayable grant, as provided for in paragraph 1 of Article 1, fall within the jurisdiction of the tax courts.

JUDGMENT No 130

declares that Article 628(5) of the Criminal Code is unconstitutional insofar as it does not allow the mitigating circumstance provided for in Article 89 of the Criminal Code to be considered equivalent or prevailing when concurrent with the aggravating circumstance referred to in Article 628(3)(3-*quater*).

JUDGMENT No 135

1) *declares* that Article 13(1) of Decree-Law No 66 of 24 April 2014 (Urgent measures for competitiveness and social justice), converted, with amendments, into Law No 89 of 23 June 2014, with effect from the day following the publication of this judgment in the *Official Journal of the Italian Republic*, is unconstitutional insofar as it indicates the maximum remuneration limit at EUR 240,000.00, inclusive of social security and welfare contributions and tax charges borne by the employee, instead of the comprehensive remuneration of the First President of the Court of Cassation, which serves as the benchmark for determining the remuneration ceiling by a Decree of the President of the Council of Ministers (DPCM), subject to the opinion of the competent parliamentary committees;

JUDGMENT No 147

1) *declares* that Article 13(3) of Decree-Law No 162 of 30 December 2019 (Urgent provisions on the extension of legislative deadlines, the organisation of public administrations, and technological innovation), converted, with amendments, into Law No 8 of 28 February 2020, in the version in force prior to the amendments referred to in Article 13(5) of Decree-Law No 183 of 31 December 2020 (Urgent provisions on legislative deadlines, the establishment of digital connections, the implementation of Council Decision (EU, Euratom) 2020/2053 of 14 December 2020, and the withdrawal of the United Kingdom from the European Union), converted, with amendments, into Law No 21 of 26 February 2021, is unconstitutional;

2) *declares* that Article 13(5) of Decree-Law No 183/2020, as converted into law, is

unconstitutional;

3) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), Article 2(1) of Decree-Law No 121 of 10 September 2021 (Urgent provisions on investment and the safety of infrastructure, transport and road traffic, for the functioning of the Ministry of Sustainable Infrastructure and Mobility, the Higher Council of Public Works and the National Agency for the Safety of Railways and Road and Motorway Infrastructure), converted, with amendments, into Law No 156 of 9 November 2021, is unconstitutional;

4) consequently *declares* that, pursuant to Article 27 of Law No 87/1953, Article 24(10-*bis*) of Decree-Law No 4 of 27 January 2022 (Urgent measures on support for businesses and economic operators, employment, health and local services in connection with the COVID-19 emergency, and on mitigating the effects of price increases in the electricity sector), converted, with amendments, into Law No 25 of 28 March 2022, is unconstitutional;

5) consequently *declares* that, pursuant to Article 27 of Law No 87/1953, Article 10(4) of Decree-Law No 198 of 29 December 2022 (Urgent provisions on legislative deadlines), converted, with amendments, into Law No 14 of 24 February 2023, is unconstitutional.

JUDGMENT No 151

declares that Article 69(4) of the Criminal Code is unconstitutional insofar as, in relation to the offence of kidnapping for the purpose of extortion under Article 630 of the Criminal Code, it provides for a prohibition on the general mitigating circumstances under Article 62-*bis* of the Criminal Code prevailing over the aggravating circumstance of repeated recidivism under Article 99(4) of the Criminal Code.

JUDGMENT No 153

declares that Article 26(3) of Law No 56 of 18 February 1989 (Regulation of the profession of psychologist) is unconstitutional.

JUDGMENT No 156

2) *declares* that Article 19(1) of Law No 300 of 20 May 1970 (Provisions on the protection of workers' freedom and dignity, trade union freedom and trade union activity in the workplace, and on employment) is unconstitutional insofar as it does not provide that workplace trade union representatives may be established on the initiative of workers in every production unit, including within trade union organisations that are comparatively more representative at national level.

JUDGMENT No 170

1) *declares* that Article 83 of the Code of Criminal Procedure is unconstitutional insofar as it does not provide that, in cases of civil liability arising from the compulsory insurance provided for in Article 10(1), third sentence, of Law No 24 of 8 March 2017 (Provisions on the safety of care and of persons under care, and on the professional liability of healthcare practitioners), the insurer may be joined to the criminal proceedings at the request of the defendant;

2) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), the same Article

83 of the Code of Criminal Procedure is unconstitutional insofar as it does not provide that, in cases of civil liability arising from the compulsory insurance provided for in Article 10(2) of Law No 24/2017, the insurer may be joined to the criminal proceedings at the request of the defendant.

JUDGMENT No 172

declares that Article 131-*bis*(3) of the Criminal Code is unconstitutional insofar as it refers to Articles 336 and 337 of the same Code.

JUDGMENT No 173

declares that Article 624-*bis*(4) of the Criminal Code is unconstitutional insofar as it does not allow, in cases of domestic burglary, the mitigating circumstance provided for in Article 89 of the Criminal Code to be considered equivalent or prevailing when concurrent with the aggravating circumstance under Article 625(1)(2), first part, of the Criminal Code.

JUDGMENT No 179

declares that Article 130 of Presidential Decree No 115 of 30 May 2002, entitled “Consolidated text of legislative and regulatory provisions on legal costs (Text A)”, is unconstitutional insofar as it does not exclude halving the remuneration due to the party-appointed technical expert when tariff rates are applied without adjustment under Article 54 of the same Presidential Decree No 115/2002.

JUDGMENT No 197

declares that Article 42(5) of Legislative Decree No 151 of 26 March 2001 (Consolidated text of legislative provisions on the protection and support of maternity and paternity, pursuant to Article 15 of Law No 53 of 8 March 2000), in the version prior to the amendment introduced by Article 2(1)(n) of Legislative Decree No 105 of 30 June 2022, concerning “Implementation of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU”, is unconstitutional insofar as it fails to include *de facto* cohabiting partners, on an equal footing with cohabiting spouses, among those entitled to take extraordinary leave to care for a person requiring intensive support.

JUDGMENT No 201

declares that Article 69-*bis*(3) of Law No 354 of 26 July 1975 (Provisions on the prison system and the enforcement of measures depriving or restricting liberty), as replaced by Article 5(3) of Decree-Law No 92 of 4 July 2024 (Urgent measures concerning the prison system, civil and criminal justice, and personnel of the Ministry of Justice), converted, with amendments, into Law No 112 of 8 August 2024, is unconstitutional, limited to the words “where there is a specific interest, other than those referred to in paragraphs 1 and 2, which must be indicated in the application itself, failing which it shall be inadmissible”.

JUDGMENT No 202

declares that Article 609-*octies* of the Criminal Code is unconstitutional insofar as it does not provide that, in less serious cases, the penalty prescribed is reduced by up to two-thirds.

JUDGMENT No 203

1) *declares* that Article 28(5-*bis*) of Presidential Decree No 448 of 22 September 1988 (Approval of provisions on criminal proceedings against juvenile defendants) is unconstitutional insofar as it establishes that the provisions of paragraph 1 of the same Article 28 do not apply to the offences under Articles 609-*bis* and 609-*octies* of the Criminal Code, aggravated under Article 609-*ter* of the Criminal Code, even where the mitigating circumstance of “less serious cases” applies;

JUDGMENT No 210

declares that Article 55 of Law No 184 of 4 May 1983 (Right of the child to a family), in relation to Article 299(1) of the Civil Code, is unconstitutional insofar as it does not allow the adoptee, in the adoption order concerning a minor, to assume only the adoptive parent’s surname where the consents and approvals referred to in Articles 45 and 46 of Law No 184/1983 are in favour of that outcome and this is in the best interests of the child.

JUDGMENT No 212

1) *declares* that Article 34(2) of the Code of Criminal Procedure is unconstitutional insofar as it does not provide for the incompatibility with service as a judge at the preliminary hearing (*giudice dell’udienza preliminare*) of a judge who, as a member of the court hearing an appeal against an order imposing a personal supervision measure on the suspect or defendant, has ruled on aspects of that order that are not merely formal;

2) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), Article 34(2) of the Code of Criminal Procedure is unconstitutional insofar as it does not provide for the incompatibility with service as judge of the preliminary hearing of a judge who, as a member of the review court, has ruled on the order imposing a personal supervision measure on the suspect or defendant.

JUDGMENT No 213

declares that Article 4(4)(a) of Legislative Decree No 116 of 13 July 2017 (Comprehensive reform of the honorary judiciary and other provisions on justices of the peace, as well as transitional provisions concerning honorary magistrates in service, pursuant to Law No 57 of 28 April 2016) is unconstitutional limited to the words “, with a maximum limit of ten years of service”.

2. REGIONAL LAWS

CALABRIA REGION

JUDGMENT No 62

1) *declares* that Article 7(4) of Calabria Regional Law No 48 of 29 November 2019 (Provisions on funeral matters and mortuary police), as replaced by Article 5(1)(a) of Calabria Regional Law No 38 of 7 August 2023, entitled “Amendments and additions to Regional Law No 48 of 29 November 2019 (Provisions on funeral matters and mortuary police)”, is unconstitutional insofar as it prohibits funeral undertakings from providing an ambulance hire service with driver for non-urgent and scheduled transport;

2) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the organisation and functioning of the Constitutional Court), Article 7(4) of Calabria Regional Law No 48/2019, as replaced by Article 5(1)(a) of Calabria Regional Law No 38/2023 is unconstitutional insofar as it prohibits undertakings solely engaged in an ambulance hire service with driver for non-urgent and scheduled transport from carrying out funeral activities;

JUDGMENT No 134

1) *declares* that Article 14(1) of Calabria Regional Law No 36 of 26 November 2024 (Amendments and additions to Regional Laws Nos 29/2002, 24/2008, 8/2010, 47/2011, 24/2013, 9/2018, 32/2021, 10/2022, 9/2023, 62/2023 and 6/2024, and other legislative provisions) is unconstitutional insofar as it provides that “[it is] prohibited” to construct biomass-fired plants with a capacity exceeding 10 MWt within national and regional parks within the territory of Calabria, instead of providing that those parks “constitute areas not suitable” for their construction;

2) *declares* that Article 14(2) of Calabria Regional Law No 36/2024 is unconstitutional;

CAMPANIA REGION

JUDGMENT No 64

declares that Article 1(1) of Campania Regional Law No 16 of 11 November 2024, entitled “Provisions concerning ineligibility for the office of President of the Regional Executive, implementing Article 2(1)(f) of Law No 165 of 2 July 2004”, is unconstitutional, limited to the words “for the purposes of applying this provision, the calculation of mandates runs from the mandate currently being served on the date of entry into force of this Law”.

JUDGMENT No 174

1) *declares* that Article 22(1)(a) of Campania Regional Law No 10 of 29 July 1998 (Establishment of the Campania Regional Agency for Environmental Protection), in the version prior to the amendments introduced by Article 40(1)(b) of Campania Regional Law No 25 of 30 December 2024 (Provisions for the preparation of the budget for the 2025–2027 period of the Campania Region – Regional Stability Law for 2025), is unconstitutional;

2) *declares* that Article 22(2) of Campania Regional Law No 10/1998 is unconstitutional

insofar as it referred to Article 22(1)(a) in the version prior to the amendments introduced by Article 40(1)(b) of Campania Regional Law No 25/2024.

JUDGMENT No 189

1) *declares* that Article 46(2), first sentence, of Campania Regional Law No 15 of 26 July 2002 (Regional Finance Law for 2002), as reinstated by Article 31(39) of Campania Regional Law No 1 of 19 January 2007 (Provisions for the preparation of the annual and multiannual budget of the Campania Region – Regional Finance Law 2007) and as subsequently amended by Article 1(77) of Campania Regional Law No 2 of 21 January 2010 (Provisions for the preparation of the annual and multiannual budget of the Campania Region – 2010 Finance Law), in the version prior to the amendments introduced by Article 49 of Campania Regional Law No 25 of 30 December 2024 (Provisions for the preparation of the budget for the 2025–2027 period of the Campania Region – Regional Stability Law for 2025) and, lastly, by Article 11 of Campania Regional Law No 13 of 22 July 2025 (Measures for the reorganisation and adaptation of legislation), is unconstitutional;

2) *declares* that Article 46(4-*bis*) of Campania Regional Law No 15/2002, inserted by Article 1(2) of Campania Regional Law No 3 of 19 February 2004 (Amendment of Regional Law No 15 of 26 July 2002, Article 46), is unconstitutional.

LAZIO REGION

JUDGMENT No 51

1) *declares* that Article 4(4) of Lazio Regional Law No 7 of 18 July 2017 (Provisions on urban regeneration and building redevelopment) is unconstitutional;

LIGURIA REGION

JUDGMENT No 143

declares that Article 2(2) of Liguria Regional Law No 1 of 7 February 2008 (Measures for the safeguarding and enhancement of hotels and provisions relating to the regulation and planning of tourist accommodation in municipal planning instruments), as replaced by Article 2(4) of Liguria Regional Law No 4 of 18 March 2013, entitled “Amendments and additions to Regional Law No 1 of 7 February 2008 (Measures for the safeguarding and enhancement of hotels and provisions relating to the regulation and planning of tourist accommodation in municipal planning instruments) and further provisions concerning hotels”, is unconstitutional insofar as it does not allow owners of properties subject to a specific restriction on use as a hotel to submit a reasoned and documented application for removal of the restriction, together with an indication of the intended alternative use, where the economic and operational unviability of the accommodation establishment has been demonstrated.

MOLISE REGION

JUDGMENT No 108

1) *declares* that Article 5(3)(e) of Molise Regional Law No 20 of 10 August 2006 (Rules for the protection of the population from electromagnetic pollution generated by telecommunications and broadcasting installations) is unconstitutional;

APULIA REGION

JUDGMENT No 57

1) *declares* that Article 4(2) of Apulia Regional Law No 21 of 30 May 2024, entitled “Establishment of the Regional Centre for Public Hospital Rehabilitation in Ceglie Messapica (CRRiPOCeM)”, is unconstitutional, limited to the words “or through selection procedures on the basis of qualifications alone, where compatible with the job profile”;

JUDGMENT No 122

declares that Article 26 of Apulia Regional Law No 28 of 13 November 2024, entitled “Amendments to Regional Law No 25 of 9 October 2008 (Provisions on authorisation for the construction and operation of electric lines and installations with a voltage of up to 150,000 volts) and miscellaneous provisions”, is unconstitutional.

JUDGMENT No 131

1) *declares* that Article 219 of Apulia Regional Law No 42 of 31 December 2024, entitled “Provisions for the preparation of the 2025 budget and the 2025–2027 multi-annual budget of the Apulia Region (2025 Regional Stability Law)”, which replaced Article 6(2) of Apulia Regional Law No 2 of 9 February 2005 (Rules for the election of the Regional Council and the President of the Regional Executive), is unconstitutional insofar as it provides that the grounds for ineligibility set out in paragraph 1 shall not apply if the persons concerned cease to hold office by resignation “no later than 180 days before the expiry of the five-year term, which runs from the date of the elections”, instead of “no later than the date set for the submission of candidacies”;

2) *declares* that Article 219 of Apulia Regional Law No 42/2024, which replaced Article 6(2) of Apulia Regional Law No 2/2005, is unconstitutional insofar as it provides that, in cases of early dissolution of the Regional Council, where this occurs before the last six months of the five-year term, resignations must be submitted “no later than seven days from the date of dissolution”, instead of “no later than the date set for the submission of candidacies”.

SARDINIA REGION

JUDGMENT No 28

declares unconstitutional Article 3 of Sardinia Regional Law No 5 of 3 July 2024 (Urgent measures for the protection of landscape and environmental assets).

JUDGMENT No 184

1) *declares* that Article 1(2), first sentence, of Sardinia Regional Law No 20 of 5 December 2024, entitled “Urgent measures for the identification of areas and sites suitable or unsuitable for the installation and promotion of renewable energy plants and for the simplification of authorisation procedures”, is unconstitutional, limited to the words “, or authorised developments that have not entailed an irreversible change to the condition of the sites”;

2) *declares* unconstitutional the first, second, third and fourth sentences of Article 1(5) of Sardinia Regional Law No 20/2024;

3) *declares* unconstitutional Article 1(8) of Sardinia Regional Law No 20/2024;

4) *declares* unconstitutional Article 1(9) of Sardinia Regional Law No 20/2024;

5) *declares* unconstitutional Article 3(1), (2), (4) and (5) of Sardinia Regional Law No 20/2024;

6) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), Article 3(6) of Sardinia Regional Law No 20/2024 is unconstitutional;

JUDGMENT No 198

1) *declares* that Article 6(1) of Sardinia Autonomous Region Law No 8 of 11 March 2025 (Urgent provisions for adapting the organisational and institutional structure of the regional health system. Amendments to Regional Law No 24 of 11 September 2020) is unconstitutional insofar as it replaces Article 13(1) of Sardinia Regional Law No 24 of 11 September 2020 (Reform of the regional healthcare system and systematic reorganisation of the relevant regulations. Repeal of Regional Law No 10/2006, Regional Law No 23/2014 and Regional Law No 17/2016 and further sector-specific provisions), limited to the second sentence of the replaced paragraph;

2) *declares* unconstitutional Article 14 of Sardinia Regional Law No 8/2025.

TUSCANY REGION

JUDGMENT No 89

declares that Articles 1, 2(3) and (4), 3 and 4 of Tuscany Regional Law No 30 of 29 July 2024 (Provisions concerning maritime state concessions. Amendments to Regional Law No 31/2016) are unconstitutional.

JUDGMENT No 196

1) *declares* that Article 76(4) of Tuscany Regional Law No 61 of 31 December 2024 (Consolidated text on tourism) is unconstitutional;

2) *declares* that Articles 95, 96, 97, 98, 99, 100 and 101 of Tuscany Regional Law No 61/2024 are unconstitutional;

3) *declares* that Articles 102, 103, 105, 106, 107, 108, 109 and 110 of Tuscany Regional Law No 61/2024 are unconstitutional;

4) *declares* that Article 111(1) of Tuscany Regional Law No 61/2024 is unconstitutional;

5) *declares* that Article 112(3) of Tuscany Regional Law No 61/2024 is unconstitutional;

6) *declares* that Article 114(3) of Tuscany Regional Law No 61/2024, limited to the words “in the individual speciality”, is unconstitutional;

7) *declares* that Article 115(3) of Tuscany Regional Law No 61/2024 is unconstitutional;

8) consequently *declares* that, pursuant to Article 27 of Law No 87 of 11 March 1953 (Provisions on the composition and functioning of the Constitutional Court), Article 112(4) is unconstitutional, limited to the words “, is limited to the section in which the instructor is registered”;

9) *declares* that Article 113(1) of Tuscany Regional Law No 61/2024 is unconstitutional;

10) *declares* that Article 116(2) of Tuscany Regional Law No 61/2024 is unconstitutional, limited to the words “referred to in Article 113”;

11) *declares* that Article 116(7), second sentence, of Tuscany Regional Law No 61/2024 is unconstitutional where it lays down that registration is carried out following recognition, “by the Italian Winter Sports Federation, in agreement with the National College of Ski Instructors, of the equivalence of the professional qualification acquired in the country of origin, of the verification of reciprocal treatment and of the fulfilment of the subjective requirements referred to in Article 113”, instead of “by the Department for Sport of the Presidency of the Council of Ministers, of the equivalence of the professional qualification acquired in the country of origin”;

12) *declares* that Article 116(8) of Tuscany Regional Law No 61/2024 is unconstitutional insofar as it lays down that the authorisation is issued following recognition, “by the Italian Winter Sports Federation in agreement with the National Association of Ski Instructors”, instead of “by the Department for Sport of the Presidency of the Council of Ministers”;

13) *declares* that Article 117 of Tuscany Regional Law No 61/2024 is unconstitutional;

14) *declares* that Article 124 of Tuscany Regional Law No 61/2024 is unconstitutional;

15) *declares* that Article 125 of Tuscany Regional Law No 61/2024 is unconstitutional;

16) *declares* that Article 126(3) of Tuscany Regional Law No 61/2024 is unconstitutional;

17) *declares* that Article 127(1) of Tuscany Regional Law No 61/2024 is unconstitutional;

18) *declares* that Article 130(2) of Tuscany Regional Law No 61/2024, limited to the words “referred to in Article 127”, is unconstitutional;

19) *declares* that Article 130(4) of Tuscany Regional Law No 61/2024 is unconstitutional where it lays down that registration is subject to recognition “by the National Association of Mountain Guides”, instead of “by the Department for Sport of the Presidency of the Council of Ministers”;

20) *declares* that Article 137 of Tuscany Regional Law No 61/2024 is unconstitutional;

JUDGMENT No 204

1) *declares* that Articles 2; 4(1) limited to the words “, or their delegate,”; 5(1), 5(4), second sentence, and 5(5); 6(1), second sentence, 6(5), second sentence, and 6(6); and 7(1), 7(2), first sentence, and 7(3) of Tuscany Regional Law No 16 of 14 March 2025 (Organisational arrangements for the implementation of Constitutional Court Judgments Nos 242/2019 and 135/2024) are unconstitutional;

UMBRIA REGION

JUDGMENT No 150

1) *declares* that Article 16(1) of Umbria Regional Law No 9 of 6 March 1998, entitled “Provisions on the establishment and regulation of the Regional Agency for Environmental Protection (A.R.P.A.)”, in the version prior to the amendments introduced by Article 16(1)(k)

of Umbria Regional Law No 12 of 1 August 2024 (Adjustment of the Umbria regional budget for 2024–2026 with amendments to regional laws), is unconstitutional;

2) *declares* that Article 1 of Umbria Regional Law No 18 of 21 December 2022 (Umbria regional budget 2023–2025) is unconstitutional insofar as it confirmed the application of Article 16(1) of Umbria Regional Law No 9/1998 also in the 2023 financial year;

3. PROVINCIAL LAWS

AUTONOMOUS PROVINCE OF BOLZANO

JUDGMENT No 22

1) *declares* that Article 4(10) of Bolzano Provincial Law No 1 of 10 January 2022 (Provisions connected to the provincial stability law for 2022) is unconstitutional;

JUDGMENT No 37

1) *declares* that Article 61(2) of Bolzano Provincial Law No 9 of 10 July 2018 (Territory and landscape) is unconstitutional insofar as it provides that the pre-expropriation planning constraints have a validity period of “10 years” instead of “5 years”;

JUDGMENT No 80

declares that Article 22(13) of Bolzano Provincial Law No 2 of 16 July 2024 (Amendments to provincial laws concerning provincial offices and staff, development cooperation, education, culture, public entertainment, security, fire and civil protection, hunting and fishing, protection of the environment and landscape, energy, water protection and the use of public waters, food hygiene, heritage and finance, economic activities, public works, mountaineering, tourism, expropriation for public use, trade, subsidised housing, hygiene and health, welfare and charity, transport, apprenticeships) is unconstitutional.

JUDGMENT No 158

1) *declares* that Article 1(37) of Bolzano Provincial Law No 4 of 8 May 2020 (Measures to contain the spread of the SARS-CoV-2 virus during the resumption of activities), together with paragraphs 12 and 15 of the same article and Annex A, point II.D, number 8, to the same Provincial Law) is unconstitutional insofar as it provided for the ancillary penalty of suspension of activities in the event of breach of the obligation for staff and employees of catering services to wear a surgical mask;

AUTONOMOUS PROVINCE OF TRENTO

JUDGMENT No 1

declares that Articles 5(2-*bis*) and 3(2-*bis*) of Law of the Autonomous Province of Trento No 15 of 7 November 2005, entitled “Provisions on provincial housing policy and amendments to Provincial Law No 21 of 13 November 1992 (Regulation of provincial measures in the field of housing)”, as introduced, respectively, by paragraphs 6 and 2 of Article 38 of Law of the Autonomous Province of Trento No 5 of 6 August 2019 (Adjustment of the budget of the Autonomous Province of Trento for the financial years 2019–2021), are unconstitutional insofar as they require, for the allocation of affordable housing and the supplementary rent allowance, residence in Italy for at least ten years, the last two of which, taken into account both at the time of submitting the application and for the entire duration of the benefit, must have

been continuous and uninterrupted.

JUDGMENT No 211

declares that Article 1(1) and (2) of the law of the Autonomous Province of Trento, approved pursuant to Article 47 of Presidential Decree No 670 of 31 August 1972 (Approval of the consolidated text of the constitutional laws concerning the special statute for Trentino-Alto Adige), entitled “Amendments to Article 14 of the Provincial Electoral Law of 2003”, is unconstitutional.