



Ufficio Stampa della Corte costituzionale

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THE ADMINISTRATIVE SUPERVISION OF THE HEALTH SERVICE
IN CALABRIA IS PARTIALLY UNCONSTITUTIONAL. CHANGING
THE SENIOR MANAGEMENT IS NOT ENOUGH

In particularly critical situations such as the decades-long administrative supervision of health care in the Calabria region, it is not enough to merely impose a “change of leadership without considering the inefficiency of the entire structure that it is called to direct on behalf of the State”.

The fact that no provision was made for the State to directly provide external personnel to meet the primary needs of the acting Commissioner’s executive committee is therefore unconstitutional.

The requirement for the Region to provide a “minimum” rather than a “maximum” quota of 25 employees is also unconstitutional.

In its Judgment No. [168 of 2021](#) (Author of the Judgment Luca Antonini), the Constitutional Court declared unlawful Article 1(2) of Decree-Law No. 150 of 10 November 2020 (Urgent measures to improve health care in the Calabria region and the renewal of the elected bodies of the regions with an ordinary statute), converted into Law No. 181 of 30 December 2020.

The inefficient structure must therefore be largely replaced by highly qualified external personnel provided directly by the State in order to avoid any possible local influence.

In the same ruling, the Court also declared Article 6(2) unconstitutional insofar as it does not allow for the approval of a new recovery plan presented by the Region for the allocation of the sixty-million-euro three-year solidarity contribution as an alternative to the recovery plan presented by the Commissioner for the period 2022-2023. The new plan in fact performs “the same function as the work plan prepared by the acting commissioner, so if the Council of Ministers accepts it” this would demonstrate that the Region is willing to take steps to find a way out of the protracted stalemate.

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