



Press Office of the Constitutional Court

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THE CONDITIONS FOR COMPENSATING DAMAGE TO THE PUBLIC ADMINISTRATION'S REPUTATION: THE QUESTION RAISED BY THE COURT OF AUDITORS IS INADMISSIBLE

The Constitutional Court declared “inadmissible” the question of constitutionality raised by the Court of Auditors, Liguria Division, regarding Article 51(7) of the Code of Accounting Justice. This provision sets out the conditions for seeking, before the Court of Auditors, compensation for damage to the reputation of the Public Administration.

In Judgment no. 191, filed today (Judge Rapporteur: Augusto Antonio Barbera), the Court did not address the merits of the question. It found that the law governing reputational damage to the Public Administration, as established in the recently enacted Code of Accounting Justice, lends itself to numerous interpretations, in terms of identifying the crimes for which the Prosecution of the Court of Auditors may seek compensation for reputational damage.

The constitutional judges found that the Court of Auditors did not consider the various possible interpretations, did not outline the full legal framework applicable and did not provide adequate reasons for concluding that the offence committed in this case allowed for ordering compensation for reputational damage. In this way, it prevented examination of the “relevance” of the question in the context of the main proceedings.

In the case at hand, a police officer had been accused of aggravated duress (Article 61, number 9 of the Criminal Code) in respect of the Genoa G8 events (July 2001). He was acquitted by the Court of Appeal of Genoa due to expiry of the applicable limitation period, and was ordered to pay compensation for the damage suffered by the civil parties to the criminal proceedings. The Court of Auditors deemed unconstitutional the provision according to which compensation for

reputational damage is subordinate to any criminal sentences imposed on civil servants.

The Constitutional Court did not address the merits of the question, unlike in previous cases (see Orders no. 167 and 168 of 2019). However, those cases concerned the legal framework existing before the Code of Accounting Justice entered into force.

Rome, 19 July 2019