



Press Office of the Constitutional Court

Press release of 18 December 2019

THE CASES BROUGHT BY MEMBERS OF PARLIAMENT ALLEGING FLAWS
IN THE CONVERSION OF DECREE-LAWS ARE INADMISSIBLE: THERE ARE
NO SERIOUS AND MANIFEST VIOLATIONS OF THEIR PREROGATIVE
POWERS

In the context of the conversion of decree-laws into laws, if amendments are introduced that are clearly incongruous with respect to the original content of the decree-law, members of the Chamber of Deputies or of the Senate may bring a case before the Constitutional Court. However, this incongruity must constitute, from the moment of its introduction, a flaw so serious as to impair the prerogative powers of the members of Parliament.

This was held in Orders no. 274 (Judge Rapporteur: Marta Cartabia) and 275 (Judge Rapporteur: Nicolò Zanon), filed today, in which the Constitutional Court ruled inadmissible two cases alleging a conflict between powers of the State, brought separately by individual members of Parliament. Indeed, neither case featured elements indicating that there had been a manifest violation of the constitutional prerogatives established to protect the parliamentarians' functions in the legislative process.

The cases arose in the Senate, after an amendment had been presented – and later admitted and approved – that was allegedly incongruous with regard to the original text of the decree-law. In addition, in the Chamber of Deputies, the Government had attached a vote of confidence to the text of the decree-law as approved by the Senate (which included the amendment at issue).

The Constitutional Court confirmed that individual members of Parliament can assert their constitutional powers by bringing a case relating to the separation of powers before it. However, it found that the parliamentarians' argument that the amendment was incongruous was based solely on a reading of the provision against

the title of the decree-law. In addition, the Court noted that the members of Parliament amply acknowledged that they did have the opportunity to participate in the conversion procedure, even after the Government called for the vote of confidence.

Rome, 18 December 2019

Palazzo della Consulta, Piazza del Quirinale 41 Roma - Tel. 06.46981/06.4698224/06.4698511