

# THE CONSTITUTION OF THE ITALIAN REPUBLIC

## FUNDAMENTAL PRINCIPLES

- Art. 1
- Art. 2
- Art. 3
- Art. 4
- Art. 5
- Art. 6
- Art. 7
- Art. 8
- Art. 9
- Art. 10
- Art. 11
- Art. 12

## PART I. RIGHTS AND DUTIES OF CITIZENS

### TITLE I. CIVIL RELATIONS

- Art. 13
- Art. 14
- Art. 15
- Art. 16
- Art. 17
- Art. 18
- Art. 19
- Art. 20
- Art. 21
- Art. 22
- Art. 23
- Art. 24
- Art. 25
- Art. 26
- Art. 27
- Art. 28

### Title II. Ethical and Social relations

- Art. 29
- Art. 30
- Art. 31
- Art. 32

- Art. 33
- Art. 34

### **Title III. Economic Relations**

- Art. 35
- Art. 36
- Art. 37
- Art. 38
- Art. 39
- Art. 40
- Art. 41
- Art. 42
- Art. 43
- Art. 44
- Art. 45
- Art. 46
- Art. 47

### **Title IV. Political Relations**

- Art. 48
- Art. 49
- Art. 50
- Art. 51
- Art. 52
- Art. 53
- Art. 54

## **PART II. ORGANISATION OF THE REPUBLIC**

### **Title I. Parliament**

#### **▪ *Section I. The Houses***

- Art. 55
- Art. 56
- Art. 57
- Art. 58
- Art. 59
- Art. 60
- Art. 61
- Art. 62
- Art. 63

- Art. 64
- Art. 65
- Art. 66
- Art. 67
- Art. 68
- Art. 69

- *Section II. Legislative Process*

- Art. 70
- Art. 71
- Art. 72
- Art. 73
- Art. 74
- Art. 75
- Art. 76
- Art. 77
- Art. 78
- Art. 79
- Art. 80
- Art. 81
- Art. 82

**Title II. The President of the Republic**

- Art. 83
- Art. 84
- Art. 85
- Art. 86
- Art. 87
- Art. 88
- Art. 89
- Art. 90
- Art. 91

**Title III. The Government**

- *Section I. The Council of Ministers*

- Art. 92
- Art. 93
- Art. 94
- Art. 95
- Art. 96

- *Section II. Public Administration*

- Art. 97
- Art. 98

- *Section III. Auxiliary Bodies*

- Art. 99

#### **Title IV. The Judicial Branch**

##### ▪ *Section I. The Organisation of the Judiciary*

- Art. 101  
- Art. 102  
- Art. 103  
- Art. 104  
- Art. 105  
- Art. 106  
- Art. 107  
- Art. 108  
- Art. 109  
- Art. 110

##### ▪ *Section II. Rules on Jurisdiction*

- Art. 111  
- Art. 112  
- Art. 113

#### **Title V. Regions, Provinces, Municipalities**

- Art. 114  
- Art. 115  
- Art. 116  
- Art. 117  
- Art. 118  
- Art. 119  
- Art. 120  
- Art. 121  
- Art. 122  
- Art. 123  
- Art. 124  
- Art. 125  
- Art. 126  
- Art. 127  
- Art. 128  
- Art. 129  
- Art. 130  
- Art. 131  
- Art. 132  
- Art. 133

#### **Title VI. Constitutional Guarantees**

##### ▪ *Section I. The Constitutional Court*

- Art. 134
- Art. 135
- Art. 136
- Art. 137
  - *Section II. Amendments to the Constitution. Constitutional Laws*
- Art. 138
- Art. 139

## **TRANSITORY AND FINAL PROVISIONS**

- I
- II
- III
- IV
- V
- VI
- VII
- VIII
- IX
- X
- XI
- XII
- XIII
- XIV
- XV
- XVI
- XVII
- XVIII

THE PROVISIONAL HEAD OF THE STATE

BY VIRTUE of the deliberation of the Constituent Assembly, which in the session of 22 December 1947 approved the Constitution of the Italian Republic;

BY VIRTUE of the XVIII Final Provision of the Constitution;

PROMULGATES

the Constitution of the Italian Republic in the following text:

FUNDAMENTAL PRINCIPLES

ART. 1

Italy is a Democratic Republic, founded on work.

Sovereignty belongs to the people and is exercised by the people in the forms and within the limits of the Constitution.

ART. 2

The Republic recognises and guarantees the inviolable rights of the person, as an individual and in the social groups within which human personality is developed. The Republic requires that the fundamental duties of political, economic and social solidarity be fulfilled.

ART. 3

All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

It is the duty of the Republic to remove the economic and social obstacles which by limiting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.

ART. 4

The Republic recognises the right of all citizens to work and shall promote such conditions as will make this right effective.

Every citizen has the duty, according to capability and choice, to perform an activity or function that contributes to the material or spiritual progress of society.

ART. 5

The Republic, one and indivisible, recognises and promotes local autonomies, and shall implement the fullest measure of administrative decentralisation in the services which depend on the State. The Republic shall adapt the principles and methods of law-making to the requirements of autonomy and decentralisation.

#### ART. 6

The Republic shall protect linguistic minorities by means of specific measures.

#### ART. 7

The State and the Catholic Church are independent and sovereign, each within its own sphere.

Their relations are governed by the Lateran Pacts. Changes to the Pacts that are accepted by both parties shall not require a constitutional amendment.

#### ART. 8

All religious confessions enjoy equal freedom before the law.

Religious confessions other than Catholicism have the right to organise themselves in accordance with their own statutes, to the extent that these are not in conflict with the Italian legal system.

Their relations with the State shall be regulated by law on the basis of agreements with their respective representatives.

#### ART. 9

The Republic shall promote the development of culture and of scientific and technical research.

It shall safeguard the natural landscape and the historical and artistic heritage of the Nation.

#### ART. 10

The Italian legal system conforms to the generally recognised rules of international law.

The legal status of foreigners shall be regulated by law in conformity with international provisions and treaties.

A foreigner who is denied, in his or her own country, the effective exercise of the democratic liberties guaranteed by the Italian Constitution shall have the right of asylum in the territory of the Italian Republic, in accordance with the conditions established by law.

Extradition of a foreigner for political offences is not admitted.

#### ART. 11

Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes. Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy shall promote and encourage international organisations furthering such ends.

#### ART. 12

The flag of the Republic is the Italian tricolour: green, white and red, in three equal vertical stripes.

### PART I

## RIGHTS AND DUTIES OF CITIZENS

### TITLE I

## CIVIL RELATIONS

#### ART. 13

Personal liberty is inviolable.

No form of detention, inspection or personal search nor any other restriction of personal freedom is admitted, except by a reasoned measure issued by a judicial authority, and only in the cases and the manner provided for by law.

In exceptional cases of necessity and urgency, strictly defined by the law, law enforcement authorities may adopt temporary measures that must be communicated to the judicial authorities within forty-eight hours. Should such measures not be confirmed by the judicial authorities within the following forty-eight hours, they shall be revoked and deemed null and void.

Any act of physical and moral violence against a person subjected to restrictions of personal liberty shall be punished.

The law shall establish the maximum period of preventive detention.

#### ART. 14

The home is inviolable.

It shall not be subject to inspections, searches or seizures except in the cases and in the manner set out by law and in accordance with the guarantees prescribed for the protection of personal liberty.

Controls and inspections for reasons of public health and safety or for economic and taxation purposes shall be regulated by specific laws.

#### ART. 15

The freedom and confidentiality of correspondence and of every other form of communication are inviolable.

Restrictions thereto may be imposed only by a reasoned measure issued by a judicial authority in accordance with the guarantees established by law.

#### ART. 16

All citizens may move or reside freely in any part of the national territory, except for such general limitations as may be established by law for reasons of health or security. No restrictions may be imposed for political reasons.

All citizens are free to leave and enter the territory of the Republic of Italy, except for obligations established by law.

#### ART. 17

Citizens have the right to assemble peacefully and unarmed.

No previous notice is required for meetings, including those held in places open to the public.

In case of meetings held in public places, previous notice shall be given to the authorities, who may prohibit them only for proven reason of security or public safety.

#### ART. 18

Citizens have the right to form associations freely, without authorisation, for aims that are not forbidden to individuals by criminal law.

Secret associations and associations that, even indirectly, pursue political aims by means of organisations having a military character, are prohibited.

#### ART. 19

Everyone has the right to profess freely their religious faith in any form, individually or in association, to disseminate it and to worship in private or public, provided that the religious rites are not contrary to public morality.



## ART. 20

No special legislative limitation or tax burden may be imposed on the establishment, legal capacity or activities of any association or institution on the ground of its ecclesiastical nature or its religious or worship purposes.

## ART. 21

Everyone has the right to express freely their ideas by speech, in writing and by any other means of communication.

The press may not be subjected to authorisation or censorship.

Seizure is permitted only by a reasoned measure issued by the judicial authority, in the case of offences for which the law governing the press gives express authorisation, or in the case of violation of its provisions concerning the disclosure of the identity of those responsible for such offences.

In such cases, when there is absolute urgency and when a prompt intervention of the judicial authority is not possible, periodical publications may be seized by officers of the judicial police, who must immediately, and in any case within twenty-four hours, report the matter to the judicial authority. If the latter does not confirm the seizure order within the following twenty-four hours, the seizure shall be deemed to be withdrawn and null and void.

The law may introduce general provisions for the disclosure of the funding sources of the periodical press.

Printed publications, public performances and any other events contrary to public morality are forbidden. The law shall provide for appropriate measures for the prevention and repression of all violations.

## ART. 22

No person may be deprived of legal capacity, citizenship or name for political reasons.

## ART. 23

No obligations of a personal or a financial nature may be imposed on any person except by law.

## ART. 24

All persons are entitled to take judicial action to protect their individual rights and legitimate interests.

The right to defence is inviolable at every stage and instance of legal proceedings.

The indigent shall be assured, by appropriate measures, the means for legal action and defence in all courts.

The conditions and means of redress for judicial errors shall be determined by law.

## ART. 25

No one may be removed from the jurisdiction of the natural judge pre-established by law.

No one may be punished except on the basis of a law in force at the time the offence was committed.

No one may be subjected to restrictive measures except as provided by law.

## ART. 26

Extradition of a citizen is only permitted in the cases expressly provided for in international conventions.

In no case may extradition be permitted for an offence of a political character.

#### ART. 27

Criminal responsibility is personal.

No defendant shall be considered guilty until the final conviction.

Punishment cannot consist in inhuman treatment and must aim at the rehabilitation of the convicted person.

The death penalty is not permitted.

#### ART. 28

Officials and employees of the State and public entities shall be directly liable, under criminal, civil and administrative law, for acts performed in violation of rights. In such cases, civil liability shall extend to the State and the public entities.

### TITLE II ETHICAL AND SOCIAL RELATIONS

#### ART. 29

The Republic recognises the rights of the family as a natural society founded on marriage.

Marriage is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family.

#### ART. 30

It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock.

In case of incapacity of the parents, the law shall provide for the fulfilment of their duties.

The law shall ensure to children born out of wedlock every form of legal and social protection, that is compatible with the rights of the members of the legitimate family.

The law shall lay down the rules and limitations for the determination of paternity.

#### ART. 31

The Republic shall encourage family formation and the fulfilment of related duties, with special regard to large families, through economic measures and other benefits.

The Republic shall protect mothers, children and the young by adopting the necessary measures.

#### ART. 32

The Republic shall safeguard health as a fundamental right of the individual and as a collective interest and shall guarantee free medical care to the indigent.

No one may be forcefully submitted to medical treatment unless provided for by law. In no case may the law violate the limits imposed by respect for the human being.

#### ART. 33

The arts and sciences are free as is their teaching. The Republic shall lay down general rules for education and shall establish state schools for all branches and grades.

Public and private entities have the right to establish schools and educational institutions at no cost to the State.

The law, when setting out the rights and obligations for non-state schools requesting equal status with state schools, shall ensure that they enjoy full liberty and offer their pupils educational conditions equivalent to those afforded to pupils in state schools.

A state examination is prescribed for admission to and graduation from the various branches and grades of schools and for qualification to exercise a profession.

Institutions of higher learning, universities and academies, have the right to adopt autonomous by-laws within the limits laid down by the laws of the State.

#### ART. 34

Education is open to everyone.

Primary education, which is imparted for at least eight years, shall be compulsory and free.

Capable and deserving pupils, including those without adequate financial resources, shall have the right to attain the highest levels of education.

The Republic shall make this right effective through grants and scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations.

### TITLE III ECONOMIC RELATIONS

#### ART. 35

The Republic shall protect work in all its forms and practices.

It shall provide for the professional or vocational training and advancement of workers.

It shall promote and encourage international agreements and organisations which have the aim of establishing and regulating labour rights.

It shall recognise the freedom to emigrate, subject to the obligations set out by law in the general interest, and shall protect Italian workers abroad.

#### ART. 36

Workers have the right to a remuneration commensurate to the quantity and quality of their work and in all cases to an adequate remuneration ensuring them and their families a free and dignified existence.

Maximum daily working hours are established by law.

Workers have the right to a weekly rest day and paid annual holidays. They cannot waive this right.

#### ART. 37

Working women have the same rights and are entitled to equal pay for equal work. Working conditions must allow women to fulfil their essential role in the family and ensure specific appropriate protection for the mother and child.

The law shall establish the minimum age for paid work.

The Republic shall protect the work of minors by means of specific measures and shall guarantee to them the right to equal pay for equal work.

#### ART. 38

Every citizen unable to work and without the necessary means of subsistence has a right to maintenance and social assistance.

Workers have the right to be assured adequate means for their subsistence needs in the case of accident, illness, disability, old age and involuntary unemployment.

Disabled and handicapped persons have the right to education and vocational training.

The tasks laid down in this article are performed by bodies and institutions established or supported by the State.

Private-sector assistance may be freely provided.

#### ART. 39

Trade unions have the right to organise themselves freely.

No obligations can be imposed on trade unions other than registration at local or central offices, according to the provisions of the law.

A condition for registration is that the statutes of the trade unions establish their internal organisation on a democratic basis.

Registered trade unions are legal persons. They may, through a unified representation that is proportional to their membership, enter into collective labour agreements that have a mandatory effect for all persons belonging to the categories referred to in the agreement.

#### ART. 40

The right to industrial action shall be exercised in compliance with the law.

#### ART. 41

Private-sector economic initiative is freely exercised.

It cannot be conducted in conflict with social usefulness or in such a manner that could damage safety, liberty and human dignity.

The law shall provide for appropriate programmes and controls so that public and private-sector economic activity may be oriented and co-ordinated for social purposes.

#### ART. 42

Property is publicly or privately owned. Economic assets belong to the State, to entities or to private persons. Private property is recognised and guaranteed by the law, which prescribes the ways it is acquired and enjoyed as well as its limitations so as to ensure its social function and make it accessible to all.

Private property may, in the cases provided for by the law and with provisions for compensation, be expropriated for reasons of general interest.

The law establishes the regulations and limits of legitimate and testamentary inheritance and the rights of the State in matters of inheritance.

#### ART. 43

For purposes of general interest, specific enterprises or categories of enterprises related to essential public services, energy sources or monopolistic situations and which have a primary public interest, may be reserved from the outset to the State, public entities or communities of workers or users, or may be transferred to them by means of expropriation and payment of compensation.

#### ART. 44

For the purpose of ensuring the rational exploitation of land and equitable social relationships, the law imposes obligations and constraints on the private ownership of land; it sets limitations to the size of holdings according to the region and agricultural zone; encourages and imposes land reclamation, the conversion of latifundia and the reorganisation of farm units; and assists small and medium-sized holdings.

The law makes provisions in favour of mountainous areas.

#### ART. 45

The Republic recognises the social function of co-operation of a mutualistic, non-speculative nature. The law promotes and encourages co-operation through appropriate means and ensures its character and purposes through adequate controls.

The law safeguards and promotes artisanal work.

#### ART. 46

For the economic and social betterment of workers and in harmony with the needs of production, the Republic recognises the rights of workers to collaborate in the management of enterprises, in the ways and within the limits established by law.

#### ART. 47

The Republic encourages and safeguards savings in all forms. It regulates, co-ordinates and oversees the operation of credit.

The Republic promotes the access through citizens' mutual savings to the ownership of housing and of directly cultivated land, as well as to direct and indirect investment in the equity of the large production complexes of the country.

### TITLE IV POLITICAL RIGHTS AND DUTIES

#### ART. 48

All citizens, male and female, who have attained their majority, are voters.

The vote is personal and equal, free and secret. The exercise thereof is a civic duty.

The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote and guarantees that this right is effective. A constituency of Italians abroad shall be established for elections to the Houses of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria established by law.

The right to vote cannot be restricted except for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as laid down by law.

#### ART. 49

All citizens have the right to freely associate in parties to contribute to determining national policies through democratic processes.

#### ART. 50

All citizens may present petitions to both Houses to request legislative measures or to express collective needs.

#### ART. 51

All citizens of either sex are eligible for public offices and for elective positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men.

The law may grant Italians who are not resident in the Republic the same rights as citizens for the purposes of access to public offices and elected positions.

Whoever is elected to a public function is entitled to the time needed to perform that function and to retain previously held employment.

#### ART. 52

The defence of the Fatherland is a sacred duty for every citizen.

Military service is obligatory within the limits and in the manner set out by law. Fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of political rights.

The organisation of the armed forces shall be based on the democratic spirit of the Republic.

#### ART. 53

Every person shall contribute to public expenditure in accordance with his/her tax-payer capacity.

The taxation system shall be based on criteria of progression.

#### ART. 54

All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.

Those citizens to whom public functions are entrusted have the duty to fulfil such functions with discipline and honour, taking an oath in those cases established by law.

### PART II

## ORGANISATION OF THE REPUBLIC

### TITLE I

## PARLIAMENT

### SECTION I

#### *The Houses*

#### ART. 55

Parliament consists of the Chamber of Deputies and the Senate of the Republic.

Parliament meets in joint session of the members of both Houses only in those cases established in the Constitution.

#### ART. 56

The Chamber of Deputies is elected by direct and universal suffrage.

The number of Deputies is six hundred and thirty, twelve of which are elected in the Overseas Constituency. All voters who have attained the age of twenty-five on the day of elections are eligible to be Deputies.

The division of seats among the electoral districts, with the exception of the number of seats assigned to the Overseas Constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by six hundred eighteen and distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and the highest remainders.

#### ART. 57

The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the Overseas Constituency.

The number of Senators to be elected is three hundred and fifteen, six of which are elected in the Overseas Constituency. No Region may have fewer than seven Senators; Molise shall have two, Valle d'Aosta one.

The division of seats among the Regions, with the exception of the number of seats assigned to the Overseas Constituency, in accordance with the provisions of the preceding Article, is made in

proportion to the population of the Regions as shown by the latest general census of the population, on the basis of whole shares and the highest remainders.

#### ART. 58

Senators are elected by universal and direct suffrage by voters who are twenty-five years of age. Voters who have attained the age of forty are eligible to be elected to the Senate.

#### ART. 59

Former Presidents of the Republic are Senators by right and for life unless they renounce the office.

The President of the Republic may appoint five citizens who have honoured the Nation through their outstanding achievements in the social, scientific, artistic and literary fields as life Senators.

#### ART. 60

The Chamber of Deputies and the Senate of the Republic are elected for five years. The term for each House cannot be extended, except by law and only in the case of war.

#### ART. 61

Elections for the new Houses take place within seventy days from the end of the term of the previous Houses. The first meeting is convened no later than twenty days after the elections.

Until such time as the new Houses meet, the powers of the previous Houses are extended.

#### ART. 62

The Houses shall convene by right on the first working day of February and October.

Each House may be convened in extraordinary session on the initiative of its President or the President of the Republic or a third of its members.

When one House is convened in extraordinary session, the other House is convened by right.

#### ART. 63

Each House shall elect from among its members its President and its Bureau.

When Parliament meets in joint session, the President and the Bureau are those of the Chamber of Deputies.

#### ART. 64

Each House adopts its own Rules by an absolute majority of its members.

The sittings are public; however, each of the Houses and Parliament in joint session may decide to convene a closed session.

The decisions of each House and of Parliament are not valid if the majority of the members is not present, and if they are not passed by a majority of those present, unless the Constitution prescribes a special majority.

Members of the Government, even when not members of the Houses, have the right, and, when requested, the obligation to attend the sittings. They shall be heard every time they so request.

#### ART. 65

The law shall determine the cases of non-eligibility and incompatibility with the office of Deputy or Senator.

No one may be a member of both Houses at the same time.

#### ART. 66

Each House shall verify the credentials of its members and the causes of ineligibility and incompatibility that may arise at a later stage.

#### ART. 67

Each Member of Parliament represents the Nation and carries out his/her duties without a binding mandate.

#### ART. 68

Members of Parliament cannot be held accountable for the opinions expressed or votes cast in the performance of their function.

Without the authorisation of their respective House, Members of Parliament may not be submitted to personal or home search, nor may they be arrested or otherwise deprived of their personal freedom, nor held in detention, except when a final court sentence is enforced, or when the Member is apprehended in the act of committing an offence for which arrest *flagrante delicto* is mandatory.

The same authorisation is required for Members of Parliament to be submitted to the surveillance of their conversations or communication, in any form, and to the seizure of their correspondence.

#### ART. 69

Members of Parliament shall receive an allowance established by law.

### SECTION II

#### *Legislative Process*

#### ART. 70

The legislative function is exercised collectively by both Houses.

#### ART. 71

Legislation is initiated by the Government, by each Member of Parliament and by those entities and bodies so empowered by constitutional law.

The people may initiate legislation by proposing a bill drawn up in sections and signed by at least fifty-thousand voters.

#### ART. 72

Every bill submitted to one of the Houses is, in accordance with its Rules, considered by a Committee and then by the House itself, which approves it section by section and with a final vote.

The Rules establish shortened procedures for draft legislation that has been declared urgent.

They may also establish in which cases and in what manner the consideration and approval of bills is deferred to Committees, including Standing Committees, composed so as to reflect the proportion of the Parliamentary Groups. Even in such cases, until the moment of its final approval, the bill may be referred back to the House, if the Government or one-tenth of the members of the House or one-fifth of the Committee request that it be debated and voted on by the House itself or that it be submitted to the House for final approval, with only explanations of vote. The Rules establish the ways in which the proceedings of Committees are made public.

The regular procedure for consideration and direct approval by the House is always followed in the case of bills on constitutional and electoral matters, enabling legislation, the ratification of international treaties and the approval of budgets and accounts.



#### ART. 73

Laws are promulgated by the President of the Republic within one month of their approval.

If the Houses, each by an absolute majority of its members, declare a law to be urgent, the law is promulgated within the deadline established therein.

Laws are published immediately after promulgation and come into force on the fifteenth day following publication, unless the laws themselves establish a different deadline.

#### ART. 74

The President of the Republic, before promulgating a law, may request the Houses, with a reasoned message, to deliberate again.

If the Houses pass the bill once again, then the law must be promulgated.

#### ART. 75

A popular referendum shall be held to abrogate, totally or partially, a law or a measure having the force of law, when requested by five hundred thousand voters or five Regional Councils.

Referenda are not admissible in the case of tax, budget, amnesty and pardon laws, or laws authorising the ratification of international treaties.

All citizens eligible to vote for the Chamber of Deputies have the right to participate in referenda.

The proposal subjected to a referendum is approved if the majority of those with voting rights have participated in the vote and a majority of votes validly cast has been reached.

The procedures for conducting a referendum shall be established by law.

#### ART. 76

The exercise of the legislative function may not be delegated to the Government unless principles and criteria have been established and then only for a limited time and for specified purposes.

#### ART. 77

The Government may not, without an enabling act from the Houses, issue decrees having the force of ordinary law.

When in extraordinary cases of necessity and urgency the Government adopts provisional measures having the force of law, it must on the same day present said measures for confirmation to the Houses which, even if dissolved, shall be summoned especially for this purpose and shall convene within five days.

The decrees lose effect from their inception if they are not confirmed within sixty days from their publication. The Houses may however regulate by law legal relationships arising out of not confirmed decrees.

#### ART. 78

The Houses deliberate the state of war and confer the necessary powers on the Government.

#### ART. 79

Amnesty and pardon are granted with a law approved by a two-thirds majority in both Houses, for each section and in the final vote.

The law granting an amnesty or pardon establishes the deadline for its implementation.

Amnesty and pardon cannot in any case apply to offences committed following the introduction of the bill in Parliament.

#### ART. 80

The Houses authorise by law the ratification of international treaties which are of a political nature, or which call for arbitration or legal settlements, or which entail changes to the national territory or financial burdens or changes to legislation.

#### ART. 81

The State shall balance revenue and expenditure in its budget, taking account of the adverse and favourable phases of the economic cycle.

No recourse shall be made to borrowing except for the purpose of taking account of the effects of the economic cycle or, subject to authorisation by the two Houses approved by an absolute majority vote of their Members, in exceptional circumstances.

Any law involving new or increased expenditure shall provide for the resources to cover such expenditure.

Each year the Houses shall pass a law approving the budget and the accounts submitted by the Government.

Provisional implementation of the budget shall not be allowed except by specific legislation and only for periods not exceeding four months in total.

The content of the budget law, the fundamental rules and the criteria adopted to ensure balance between revenue and expenditure and the sustainability of general government debt shall be established by legislation approved by an absolute majority of the Members of each House in compliance with the principles established with a constitutional law.

#### Art. 82

Each House may conduct inquiries on matters of public interest.

For such purposes, it appoints a Committee so composed as to reflect the proportional representation of the Parliamentary Groups. The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.

### TITLE II THE PRESIDENT OF THE REPUBLIC

#### ART. 83

The President of the Republic is elected by Parliament in joint session of its members.

Three delegates from every Region elected by the Regional Council so as to ensure that minorities are represented shall participate in the election. Valle d'Aosta has one delegate only.

The election of the President of the Republic is by secret ballot with a majority of two thirds of the assembly. After the third ballot an absolute majority shall suffice.

#### ART. 84

Any citizen who has attained fifty years of age and enjoys civil and political rights can be elected President of the Republic.

The office of President of the Republic is incompatible with any other office.

Compensation and endowments of the President are established by law.

#### ART. 85

The President of the Republic is elected for seven years.

Thirty days before the expiration of the term, the President of the Chamber of Deputies shall summon a joint session of Parliament and the regional delegates to elect the new President of the Republic.

If the Houses are dissolved, or there are less than three months from their dissolution, the election shall take place within fifteen days of the meeting of the new Houses.

In the intervening time, the powers of the incumbent President are extended.

#### ART. 86

The functions of the President of the Republic, in all cases in which the President cannot perform them, shall be exercised by the President of the Senate.

In the case of permanent incapacity or death or resignation of the President of the Republic, the President of the Chamber of Deputies shall call an election of a new President of the Republic within fifteen days, except in the case of the longer term which is provided for when the Houses are dissolved and are within less than three months to their dissolution.

#### ART. 87

The President of the Republic is the Head of the State and represents national unity.

The President may send messages to the Houses.

The President shall:

authorise the introduction to the Houses of bills initiated by the Government;

promulgate the laws and issue decrees having the force of law as well as regulations;

call popular referenda in the cases provided for by the Constitution;

appoint State officials in the cases provided for by law;

accredit and receive diplomatic representatives, and ratify international treaties which have, where required, been authorised by the Houses.

The President is the commander of the armed forces, shall preside over the Supreme Council of Defence established by law, and shall make declarations of war which have been decided by the Houses.

The President shall preside over the High Council of the Judiciary.

The President may grant pardons and commute punishments.

The President shall confer the honorary distinctions of the Republic.

#### ART. 88

The President of the Republic, having heard the Presidents of the Houses, may dissolve Parliament or even only one House.

The President of the Republic cannot exercise said right during the last six months of the presidential mandate, unless said period coincides in full or in part with the last six months of Parliament.

#### ART. 89

No act of the President of the Republic is valid if it is not signed by the proposing Ministers, who assume responsibility for it.

The acts which have legislative strength and those laid down by law shall be countersigned also by the President of the Council of Ministers.

#### ART. 90

The President of the Republic is not responsible for the actions performed in the exercise of the presidential duties, except in the case of high treason or attempt against the Constitution.

In such cases, the President may be impeached by Parliament in joint session, with an absolute majority of its members.

#### ART. 91

The President of the Republic, before taking office, shall take an oath of allegiance to the Republic and swear to uphold the Constitution before Parliament in joint session.

### TITLE III THE GOVERNMENT

#### SECTION I *The Council of Ministers*

#### ART. 92

The Government of the Republic is made up of the President of the Council and the Ministers who together form the Council of Ministers.

The President of the Republic appoints the President of the Council of Ministers and, on his/her proposal, the Ministers.

#### ART. 93

The President of the Council of Ministers and the Ministers, before taking office, shall be sworn in by the President of the Republic.

#### ART. 94

The Government must have the confidence of both Houses.

Each House grants or withdraws its confidence through a reasoned motion, which is voted on by roll-call.

Within ten days of its formation the Government shall come before the Houses to obtain their confidence.

An opposing vote by one or both the Houses against a Government proposal does not entail the obligation to resign.

A motion of no-confidence must be signed by at least one-tenth of the members of the House and cannot be debated earlier than three days from its presentation.

#### ART. 95

The President of the Council conducts and holds responsibility for the general policy of the Government. The President of the Council ensures the coherence of political and administrative policies, by promoting and co-ordinating the activity of the Ministers.

The Ministers are collectively responsible for the acts of the Council of Ministers; they are individually responsible for the acts of their own ministries.

The law establishes the organisation of the Presidency of the Council, as well as the number, competence and organisation of the ministries.

#### ART. 96

The President of the Council of Ministers and the Ministers, even if they resign from office, are subject to normal justice for crimes committed in the exercise of their duties, provided authorisation is given by the Senate of the Republic or the Chamber of Deputies, in accordance with the norms established by Constitutional Law.

SECTION II  
*Public Administration*

ART. 97

General government entities, in accordance with European Union law, shall ensure balanced budgets and the sustainability of public debt.

Public administration offices shall be organised according to the provisions of law, so as to ensure the efficiency and impartiality of the administration.

The regulations of the offices shall lay down the areas of competence, the duties and the responsibilities of the officials.

Entry into the civil service shall be through competitive examinations, except in the cases established by law.

ART. 98

Civil servants are exclusively at the service of the Nation.

If they are Members of Parliament, they may not be promoted in their services, except through seniority.

The law may set limitations on the right to become members of political parties in the case of magistrates, career military staff in active service, law enforcement officers, and overseas diplomatic and consular representatives.

SECTION III  
*Auxiliary Bodies*

ART. 99

The National Council for Economics and Labour is composed, as set out by law, of experts and representatives of the economic categories, in such a proportion as to take account of their numerical and qualitative importance.

It serves as a consultative body for the Houses and the Government for those matters and those functions attributed to it by law.

It can initiate legislation and may contribute to drafting economic and social legislation according to the principles and within the limitations laid down by law.

ART. 100

The Council of State is a legal-administrative consultative body and it oversees the administration of justice.

The Court of Auditors exercises preventive control over the legitimacy of Government measures, and also ex-post auditing of the administration of the State Budget. It participates, in the cases and ways established by law, in auditing the financial management of the entities receiving regular budgetary support from the State. It reports directly to the Houses on the results of audits performed.

The law ensures the independence from the Government of the two bodies and of their members.

TITLE IV  
THE JUDICIAL BRANCH

SECTION I  
*The Organisation of the Judiciary*

ART. 101

Justice is administered in the name of the people.  
Judges are subject only to the law.

ART. 102

Judicial proceedings are exercised by ordinary magistrates empowered and regulated by the provisions concerning the Judiciary.

Extraordinary or special judges may not be established. Only specialised sections for specific matters within the ordinary judicial bodies may be established, and these sections may include the participation of qualified citizens who are not members of the Judiciary.

The law regulates the cases and forms of the direct participation of the people in the administration of justice.

ART. 103

The Council of State and the other organs of judicial administration have jurisdiction over the protection of legitimate rights before the public administration and, in particular matters laid down by law, also of subjective rights.

The Court of Auditors has jurisdiction in matters of public accounts and in other matters laid down by law.

Military tribunals in times of war have the jurisdiction established by law. In times of peace they have jurisdiction only for military crimes committed by members of the armed forces.

ART. 104

The Judiciary branch is autonomous and independent of all other powers.

The High Council of the Judiciary is presided over by the President of the Republic.

The first president and the general prosecutor of the Court of Cassation are members by right.

Two thirds of the members are elected by all the ordinary judges belonging to the various categories, and one third are elected by Parliament in joint session from among full university professors of law and lawyers with fifteen years of practice.

The Council elects a vice-president from among those members designated by Parliament.

Elected members of the Council remain in office for four years and cannot be immediately re-elected.

They may not, while in office, be registered in professional rolls, nor serve in Parliament or on a Regional Council.

ART. 105

The High Council of the Judiciary, in accordance with the regulations of the Judiciary, has jurisdiction for employment, assignments and transfers, promotions and disciplinary measures of judges.

ART. 106

Judges are appointed by means of competitive examinations.

The law on the regulations of the Judiciary allows the appointment, even by election, of honorary judges for all the functions performed by single judges.

Following a proposal by the High Council of the Judiciary, full university professors of law and lawyers with fifteen years of practice and registered in the special professional rolls for the higher courts may be appointed for their outstanding merits as Cassation councillors.

#### ART. 107

Judges may not be removed from office; they may not be dismissed or suspended from office or assigned to other courts or functions unless by a decision of the High Council of the Judiciary, taken either for the reasons and with the guarantees of defence established by the provisions concerning the organisation of Judiciary or with the consent of the judges themselves.

The Minister of Justice has the power to originate disciplinary action.

Judges are distinguished only by their different functions.

The state prosecutor enjoys the guarantees established in the prosecutor's favour by the provisions concerning the organisation of the Judiciary.

#### ART. 108

The provisions concerning the organisation of the Judiciary and the judges are laid down by law.

The law ensures the independence of judges of special courts, of state prosecutors of those courts, and of other persons participating in the administration of justice.

#### ART. 109

The judicial authorities may avail themselves directly of the judicial police.

#### ART. 110

Without prejudice to the authority of the High Council of the Judiciary, the Minister of Justice has responsibility for the organisation and functioning of those services involved with justice.

### SECTION II

#### *Rules on Jurisdiction*

#### ART. 111

Jurisdiction is implemented through due process regulated by law.

All court trials are conducted with adversary proceedings and the parties are entitled to equal conditions before an impartial judge in third party position. The law provides for the reasonable duration of trials.

In criminal law trials, the law provides that the alleged offender shall be promptly informed confidentially of the nature and reasons for the charges that are brought and shall have adequate time and conditions to prepare a defence. The defendant shall have the right to cross-examine or to have cross-examined before a judge the persons making accusations and to summon and examine persons for the defence in the same conditions as the prosecution, as well as the right to produce all other evidence in favour of the defence. The defendant is entitled to the assistance of an interpreter in the case that he or she does not speak or understand the language in which the court proceedings are conducted.

In criminal law proceedings, the formation of evidence is based on the principle of adversary hearings. The guilt of the defendant cannot be established on the basis of statements by persons who, out of their own free choice, have always voluntarily avoided undergoing cross-examination by the defendant or the defence counsel.

The law regulates the cases in which the formation of evidence does not occur in an adversary proceeding with the consent of the defendant or owing to reasons of ascertained objective impossibility or proven illicit conduct.

All judicial decisions shall include a statement of reasons.

Appeals to the Court of Cassation in cases of violations of the law are always allowed against sentences and against measures affecting personal freedom pronounced by ordinary and special courts. This rule can only be waived in cases of sentences by military tribunals in time of war.

Appeals to the Court of Cassation against decisions of the Council of State and the Court of Auditors are permitted only for reasons of jurisdiction.

#### ART. 112

The public prosecutor has the obligation to institute criminal proceedings.

#### ART. 113

The judicial safeguarding of rights and legitimate interests before the organs of ordinary or administrative justice is always permitted against acts of the public administration.

Such judicial protection may not be excluded or limited to particular kinds of appeal or for particular categories of acts.

The law determines which judicial bodies are empowered to annul acts of public administration in the cases and with the consequences provided for by the law itself.

### TITLE V REGIONS, PROVINCES, MUNICIPALITIES

#### ART. 114

The Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down in the Constitution.

Rome is the capital of the Republic. Its status is regulated by State Law.

#### ART. 115

*Repealed*

#### ART. 116

Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law.

The Trentino-Alto Adige/Südtirol Region is composed of the autonomous provinces of Trent and Bolzano.

Additional special forms and conditions of autonomy, related to the areas specified in art. 117, paragraph three and paragraph two, letter *l*) – limited to the organisational requirements of the Justice of the Peace – and letters *n*) and *s*), may be attributed to other Regions by State Law, upon the initiative of the Region concerned, after consultation with the local authorities, in compliance with the principles set forth in art. 119. Said Law is approved by both Houses of Parliament with the absolute majority of their members, on the basis of an agreement between the State and the Region concerned.



## ART. 117

Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU-legislation and international obligations.

The State has exclusive legislative powers in the following subject matters:

- a) foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of non-EU citizens;
- b) immigration;
- c) relations between the Republic and religious denominations;
- d) defence and armed forces; State security; armaments, ammunition and explosives;
- e) the currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; harmonisation of public accounts; equalisation of financial resources;
- f) state bodies and relevant electoral laws; state referenda; elections to the European Parliament;
- g) legal and administrative organisation of the State and of national public agencies;
- h) public order and security, with the exception of local administrative police;
- i) citizenship, civil status and register offices;
- l) jurisdiction and procedural law; civil and criminal law; administrative judicial system;
- m) determination of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory;
- n) general provisions on education;
- o) social security;
- p) electoral legislation, governing bodies and fundamental functions of the Municipalities, Provinces and Metropolitan Cities;
- q) customs, protection of national borders and international prophylaxis;
- r) weights and measures; standard time; statistical and computerised co-ordination of data in state, regional and local administrations; works of the intellect;
- s) protection of the environment, the ecosystem and cultural heritage.

Concurring legislation applies to the following subject matters:

international and EU relations of the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and with the exception of vocational education and training; professions; scientific and technological research and innovation support for productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; co-ordination of public finance and the taxation system; enhancement of cultural and environmental assets, including the promotion and organisation of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. In the subject matters covered by concurring legislation legislative powers are vested in the Regions, except for the determination of the fundamental principles, which are laid down in State legislation.

The Regions have legislative powers in all subject matters that are not expressly attributed to State legislation.

The Regions and the autonomous provinces of Trent and Bolzano take part in the preparatory decision-making process of EU legislative acts in the areas that fall within their responsibilities. They are also responsible for the implementation of international agreements and EU measures, subject to the procedural rules set out in State legislation regulating the exercise of subsidiary powers by the State in the case of non-performance by the Regions and autonomous provinces.

Regulatory powers shall be vested in the State with respect to the subject matters of exclusive legislation, subject to any delegations of such powers to the Regions. Regulatory powers shall be

vested in the Regions in all other subject matters. Municipalities, provinces and metropolitan cities have regulatory powers as to the organisation and implementation of the functions attributed to them.

Regional laws shall remove any hindrances to the full equality of men and women in social, cultural and economic life and promote equal access to elected offices for men and women.

Agreements between a Region and other Regions that aim at improving the performance of regional functions and that may also envisage the establishment of joint bodies shall be ratified by regional law.

In the areas falling within their responsibilities, Regions may enter into agreements with foreign States and with local authorities of other States in the cases and according to the forms laid down by State legislation.

In the areas falling within their responsibilities, Regions may enter into agreements with foreign States and with local authorities of other States in the cases and according to the forms laid down by State legislation.

#### ART. 118

Administrative functions are attributed to the Municipalities, unless they are attributed to the provinces, metropolitan cities and regions or to the State, pursuant to the principles of subsidiarity, differentiation and proportionality, to ensure their uniform implementation.

Municipalities, provinces and metropolitan cities carry out administrative functions of their own as well as the functions assigned to them by State or by regional legislation, according to their respective competences.

State legislation shall provide for co-ordinated action between the State and the Regions in the subject matters as per Article 117, paragraph two, letters *b*) and *h*) and also provide for agreements and co-ordinated action in the field of cultural heritage preservation.

The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity.

#### ART. 119

Municipalities, provinces, metropolitan cities and regions shall have revenue and expenditure autonomy, subject to the obligation to balance their budgets, and shall contribute to ensuring compliance with the economic and financial constraints imposed under European Union law.

Municipalities, provinces, metropolitan cities and regions shall have independent financial resources. They set and levy taxes and collect revenues of their own, in compliance with the Constitution and according to the principles of co-ordination of public finance and the tax system. They share in the revenues from State taxes related to their respective territories.

State legislation shall provide for an equalisation fund – with no allocation constraints – for the territories having lower per-capita tax-raising capacity.

Revenues raised from the above-mentioned sources shall enable municipalities, provinces, metropolitan cities and regions to fully finance the public functions attributed to them.

The State shall allocate supplementary resources and adopt special measures in favour of specific municipalities, provinces, metropolitan cities and regions to promote economic development along with social cohesion and solidarity, to eliminate economic and social imbalances, to foster the exercise of the rights of the person or to achieve goals other than those pursued in the ordinary implementation of their functions.

Municipalities, provinces, metropolitan cities and regions have their own assets, which are allocated to them pursuant to general principles laid down in State legislation. They may have recourse to borrowing only as a means of financing investment expenditure, with the concomitant adoption of amortisation plans and subject to the condition that budget balance is ensured for all authorities of each region, taken as a whole. State guarantees on loans contracted by such authorities are not admissible.

#### ART. 120

The Regions may not levy import or export or transit duties between Regions or adopt measures that in any way obstruct the freedom of movement of persons or goods between the Regions. Regions may not limit the right of citizens to work in any part of the national territory.

The Government can act for bodies of the regions, metropolitan cities, provinces and municipalities if the latter fail to comply with international rules and treaties or EU legislation, or in the case of grave danger for public safety and security, or whenever such action is necessary to preserve legal or economic unity and in particular to guarantee the basic level of benefits relating to civil and social entitlements, regardless of the geographic borders of local authorities. The law shall lay down the procedures to ensure that subsidiary powers are exercised in compliance with the principles of subsidiarity and of loyal co-operation.

#### ART. 121

The organs of the Region are: the Regional Council, the Regional Executive and its President.

The Regional Council shall exercise the legislative powers attributed to the Region as well as the other functions conferred by the Constitution and the laws. It may submit bills to Parliament.

The Regional Executive is the executive body of the Region.

The President of the Executive represents the Region, directs the policy-making of the Executive and is responsible for it, promulgates laws and regional statutes, directs the administrative functions delegated to the Region by the State, in conformity with the instructions of the Government of the Republic.

#### ART. 122

The electoral system and the cases of ineligibility and incompatibility of the President, the other members of the Regional Executive and the Regional councillors shall be established by a regional law in accordance with the fundamental principles established by a law of the Republic, which also establishes the term of elective offices.

No one may belong at the same time to a Regional Council or to a Regional Executive and to one of the Houses of Parliament, to another Regional Council, or to the European Parliament.

The Council shall elect a President amongst its members and a Bureau.

Regional councillors are not answerable for the opinions expressed and votes cast in the exercise of their functions.

The President of the Regional Executive shall be elected by universal and direct suffrage, unless the regional statute provides otherwise. The elected President shall appoint and dismiss the members of the Executive.

#### ART. 123

Each Region shall have a statute which, in harmony with the Constitution, shall lay down the form of government and basic principles for the organisation of the Region and the conduct of its business. The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations.

Regional statutes are adopted and amended by the Regional Council with a law approved by an absolute majority of its members, with two subsequent deliberations at an interval of not less than two months. This law does not require the visé of the Government commissioner. The Government of the Republic may submit the constitutional legitimacy of the regional statutes to the Constitutional Court within thirty days from their publication.

The statute is submitted to popular referendum if one-fiftieth of the electors of the Region or one-fifth of the members of the Regional Council so request within three months from its publication. The

statute that is submitted to referendum is not promulgated if it is not approved by the majority of valid votes.

In each Region, statutes regulate the activity of the Council of local authorities as a consultative body on relations between the Regions and local authorities.

ART. 124

*Repealed*

ART. 125

Administrative tribunals of the first instance shall be established in the Region, in accordance with the rules established by the law of the Republic. Sections may be established in places other than the regional capital.

ART. 126

The Regional Council may be dissolved and the President of the Executive may be removed with a reasoned decree of the President of the Republic in the case of acts in contrast with the Constitution or grave violations of the law. The dissolution or removal may also be decided for reasons of national security. The aforementioned decree is adopted after consultation with a committee of Deputies and Senators for regional affairs which is set up in the manner established by a law of the Republic.

The Regional Council may adopt a reasoned motion of no confidence against the President of the Executive that is undersigned by at least one-fifth of its members and adopted by roll call vote with an absolute majority of members. The motion may not be debated before three days have elapsed since its introduction.

The adoption of a no confidence motion against a President of the Executive elected by universal and direct suffrage, and the removal, permanent inability, death or voluntary resignation of the President of the Executive entail the resignation of the Executive and the dissolution of the Council. The same effects are produced by the contemporary resignation of the majority of the Council members.

ART. 127

The Government may submit the constitutional legitimacy of a regional law to the Constitutional Court within sixty days from its publication, when it deems that the regional law exceeds the competence of the Region.

A Region may submit the constitutional legitimacy of a State or regional law or measure having the force of law to the Constitutional Court within sixty days from its publication, when it deems that said law or measure infringes upon its competence.

ART. 128

*Repealed*

ART. 129

*Repealed*

ART. 130

*Repealed*

#### ART. 131

The following Regions shall be established:

Piedmont;  
Valle d'Aosta;  
Lombardy  
Trentino-Alto Adige;  
Veneto;  
Friuli-Venezia Giulia;  
Liguria;  
Emilia-Romagna;  
Tuscany;  
Umbria;  
The Marches;  
Latium;  
Abruzzi;  
Molise;  
Campania;  
Apulia;  
Basilicata;  
Calabria;  
Sicily;  
Sardinia.

#### ART. 132

By a constitutional law, after consultation with the Regional Councils, a merger between existing Regions or the creation of new Regions having a minimum of one million inhabitants may be decided upon, when the request has been made by a number of Municipal Councils representing not less than one-third of the populations involved, and the request has been approved by referendum by a majority of said populations.

The Provinces and Municipalities which request to be detached from one Region and incorporated in another may be allowed to do so, following a referendum and a law of the Republic, which obtains the majority of the populations of the Province or Provinces and of the Municipality or Municipalities concerned, and after having heard the Regional Councils.

#### ART. 133

Changes in provincial boundaries and the institution of new Provinces within a Region are regulated by the laws of the Republic, on the initiative of the Municipalities, after consultation with the Region.

The Region, after consultation with the populations involved, may establish through its laws new Municipalities within its own territory and modify their districts and names.

TITLE VI  
CONSTITUTIONAL GUARANTEES

SECTION I  
*The Constitutional Court*

ART. 134

The Constitutional Court shall pass judgement on:  
controversies on the constitutional legitimacy of laws and enactments having the force of law issued by the State and the Regions;  
conflicts arising from allocation of powers of the State and those powers allocated to State and Regions, and between Regions;  
accusations made against the President of the Republic, according to the provisions of the Constitution.

ART. 135

The Constitutional Court shall be composed of fifteen judges, a third nominated by the President of the Republic, a third by Parliament in joint sitting and a third by the ordinary and administrative supreme Courts.

The judges of the Constitutional Courts shall be chosen from among judges, including those retired, of the ordinary and administrative higher Courts, from full university professors of law and lawyers with at least twenty years practice.

Judges of the Constitutional Court shall be nominated for nine years, beginning in each case from the day of their swearing in, and they may not be re-appointed.

At the expiry of their term, the constitutional judges shall leave office and the exercise of the functions thereof.

The Court shall elect from among its members, in accordance with the rules established by law, a President, who shall remain in office for three years and may be re-elected, respecting in all cases the expiry term for constitutional judges.

The office of constitutional judge shall be incompatible with membership of Parliament, of a Regional Council, the practice of the legal profession, and with every appointment and office indicated by law.

In impeachment procedures against the President of the Republic, apart from the ordinary judges of the Court, there shall also be sixteen members chosen by lot from among a list of citizens having the qualification necessary for election to the Senate, which the Parliament prepares every nine years through election using the same procedures as those followed in appointing ordinary judges.

ART. 136

When the Court declares the constitutional illegitimacy of a law or enactment having the force of law, the law ceases to have effect from the day following the publication of the decision.

The decision of the Court shall be published and communicated to the Houses and to the Regional Councils concerned, so that, wherever they deem it necessary, they shall act in conformity with constitutional procedures.

ART. 137

A constitutional law shall establish the conditions, the forms, the terms for proposing judgements on constitutional legitimacy, and the guarantees of the independence of the constitutional judges.

Ordinary laws shall establish the other provisions necessary for the constitution and the functioning of the Court.

Against the decision of the Constitutional Court no appeals are allowed.

## SECTION II

### *Amendments to the Constitution. Constitutional Laws*

#### ART. 138

Laws amending the Constitution and other constitutional laws shall be adopted by each House after two successive debates at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House in the second voting.

Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House or five hundred thousand voters or five Regional Councils. The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes.

A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members.

#### ART. 139

The form of Republic shall not be a matter for constitutional amendment.

## TRANSITORY AND FINAL PROVISIONS

### I

With the implementation of the Constitution the provisional Head of the State shall exercise the functions of President of the Republic and assume that title.

### II

If, at the date of the election of the President of the Republic, all the Regional Councils have not been set up, only members of the two Houses shall participate in the election.

### III

For the first composition of the Senate of the Republic, Deputies to the Constituent Assembly who meet all the requirements envisaged by law to become Senators and who:

had been Presidents of the Council of Ministers or of legislative Assemblies;

had been members of the dissolved Senate; had been elected at least three times including to the Constituent Assembly;

had been dismissed at the sitting of the Chamber of Deputies of 9 November 1926;

had been imprisoned for not less than five years by a sentence of the special Fascist tribunal for the defence of the State;

shall be appointed Senators by decree of the President of the Republic.

Those also shall be appointed Senators, by decree of the President of the Republic, who had been members of the dissolved Senate and who had been part of the Consulta Nazionale.

The right to be appointed Senator may be renounced before the signing of the decree of appointment. Acceptance of candidacy in political elections shall constitute renunciation of the right to be appointed Senator.

#### IV

For the first election of the Senate Molise shall be considered a Region in itself, having the due number of Senators on the basis of its population.

#### V

The provisions of Article 80 of the Constitution on the question of international treaties which involve budget expenditures or changes in the law, shall become effective as from the date of convocation of Parliament.

#### VI

Within five years after the Constitution has come into effect the special jurisdictional bodies still in existence shall be revised, excluding the jurisdiction of the Council of State, the Court of Auditors, and the military tribunals.

Within a year of the same date, a law shall provide for the re-organisation of the Supreme Military Tribunal according to Article 111.

#### VII

Until such time as the new law on the Judiciary in accordance with the Constitution has been issued, the provisions in force shall continue to be observed. Until such time as the Constitutional Court begins its functions, the decision on controversies indicated in Article 134 shall be conducted in the forms and within the limits of the provisions already in existence before the implementation of the Constitution.

#### VIII

Elections of the Regional Councils and the elected bodies of provincial administration shall be called within one year of the implementation of the Constitution.

The laws of the Republic shall regulate for every branch of public administration the passage of the state functions attributed to the Regions. Until such time as the re-organisation and re-distribution of the administrative functions among the local bodies has been accomplished, the Provinces and the Municipalities shall retain those functions they then exercise and those others which the Regions may delegate to them.

Laws of the Republic shall regulate the transfer to the Regions of officials and employees of the State, including those from central administrations, which shall be made necessary by the new provisions. In setting up their offices the Regions shall, except in cases of necessity, draw their personnel from among the employees of State local bodies.

#### IX

The Republic, within three years of the implementation of the Constitution, shall adjust its laws to the needs of local autonomies and to the legislative jurisdiction attributed to the Regions.



## X

To the Region of Friuli-Venezia Giulia, as per Article 116, shall be applied temporarily the general provisions of Title V of the second part, without prejudice to the protection of linguistic minorities in accordance with Article 6.

## XI

Up to five years after the implementation of the Constitution other Regions may, by constitutional laws, be established, thus amending the list in Article 131, and without the conditions requested by the first paragraph of Article 132, without prejudice, however, to the obligation to consult the citizens concerned.

## XII

It shall be forbidden to reorganise, under any form whatsoever, the dissolved Fascist party.

Notwithstanding Article 48, the law has established, for not more than five years from the implementation of the Constitution, temporary limitations to the right to vote and eligibility for the leaders responsible for the Fascist regime.

## XIII

The members and descendants of the House of Savoy shall not be voters and they shall not hold public office or elected offices.

To the ex-kings of the House of Savoy, to their consorts and their male descendants shall be forbidden access and sojourn in the national territory (\*).

The assets, existing on national territory, of the former kings of the House of Savoy, of their consorts and of their male descendants shall revert to the State. Transfers and the establishment of royal rights on said patrimony which took place after 2 June 1946 shall be null and void.

(\*) Article 1 of Constitutional law no. 1 of 23 October 2002, which has entered into force on 10 November 2002, has established the following:

«1. The first and second paragraphs of the 13<sup>th</sup> transitory and final provision of the Constitution cease to be applicable as of the date of the entry into force of the Constitutional law».

## XIV

Titles of nobility shall not be recognised.

The predicates of those existing before 28 October 1922 shall serve as part of the name.

The Order of Saint Mauritius shall be preserved as a hospital corporation and shall function in the ways established by law.

The law shall regulate the suppression of the Heraldic Council.

## XV

With the entry into force of the Constitution, the legislative decree of the Lieutenant of the Realm No. 151 of 25 June 1944 on the provisional organisation of the State shall pass into law.

## XVI

Within one year of the entry into force of the Constitution, the revision and co-ordination therewith of the preceding constitutional laws which had not at that moment been explicitly or implicitly abrogated shall begin.

## XVII

The Constituent Assembly shall be called by its President to decide, before 31 January 1948 on the law for the election of the Senate of the Republic, on the special regional statutes and on the law governing the press.

Until the day of the election of the new Houses, the Constituent Assembly may be called, when it is necessary to decide on matters attributed to its jurisdiction by Article 2, paragraphs one and two, and Article 3, paragraphs one and two, of legislative decree No. 98 of 16 March 1946.

At that time the Standing Committees shall maintain their functions. Legislative Committees shall send back to the Government those bills, submitted to them, with their observations and proposals for amendments.

Deputies may present questions to the Government with request for written answers.

The Constituent Assembly, in accordance with the second paragraph of this Article, shall be called by its President at the documented request of the Government or by at least two hundred Deputies.

## XVIII

The present Constitution shall be promulgated by the provisional Head of State within five days of its approval by the Constituent Assembly and shall come into force on 1 January 1948.

The text of the Constitution shall be deposited in the Town Hall of every Municipality of the Republic and there exposed, for the whole of 1948, so as to allow every citizen to know of it.

The Constitution, bearing the seal of the State, shall be included in the Official Records of the laws and decrees of the Republic.

The Constitution must be faithfully observed as the fundamental law of the Republic by all citizens and bodies of the State.

*Given in Rome this 27<sup>th</sup> Day of December 1947*