



Communications and Press Office of the Constitutional Court

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**ITALY-AUSTRIA: CONSTITUTIONAL COURTS DISCUSSED
END-OF-LIFE MATTERS AND
LOYAL COOPERATION WITH THE LEGISLATURE**

“End of life: Two rulings compared” was the theme addressed by the judges of the Italian Constitutional Court and their colleagues from the Austrian Constitutional Court during the workshop held this week at Palazzo della Consulta.

The first session was devoted to the “parallel” examination of recent decisions that, since 2018, have first been issued by the Italian Constitutional Court and later, with some similarities, by the Austrian Constitutional Court.

During the second session, the judges, gathered in the Conference Hall at Palazzo della Consulta, engaged in a joint reflection on “Constitutional courts and their relations with the legislature” and, therefore, more generally on issues related to loyal cooperation between institutions.

“During the talks,” the President of the Austrian Constitutional Court Christoph Grabenwarter said, “the need for Parliament to follow up on decisions made by constitutional courts in the event that a law is found to be unconstitutional was emphasised by both sides. When discussing rulings on assisted suicide, the Austrian delegation illustrated the case of a new law on end-of-life directives passed by the Austrian Parliament within the deadline set for the end of the year 2021 by the Constitutional Court itself in its decision of December 2020.”

“During this in-depth discussion,” the President of the Italian Constitutional Court Silvana Sciarra recalled at the end of the meeting, “some of the judges present referred to the law as a mirror of social development. And yet sometimes constitutional courts are faced with situations where the law is not fully in tune with social reality and may conflict with fundamental human rights. In these situations, what comes to the fore is the safeguarding role that falls to the Constitutional Court, even in cases of legislative inertia.”

The papers that opened the two sessions of the workshop were delivered by Judges Giovanni Amoroso and Maria Rosaria San Giorgio and by the Austrian Judges Christoph Herbst and Ingrid Siess-Scherz.

Judges Johannes Schnizer, Luca Antonini, Marco D’Alberti, Filippo Patroni Griffi, Stefano Petitti, Giulio Prosperetti and Francesco Viganò participated in the subsequent discussions, moderated by the two Presidents, Vice President Daria de Pretis, and Vice President Verena Madner.

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