

Press Release of 19 January 2022

THE GUARANTEE OF VOTING RIGHTS FOR MEMBERS OF PARLIAMENT IS NOT AFFECTED BY THE DECREE-LAW ON ENHANCED COVID CERTIFICATION

The Constitutional Court examined today, sitting in chambers, a jurisdictional dispute between branches of State launched against the Government by five members of Parliament resident in Sardinia and Sicily concerning Article 1(2) of Decree-Law no. 229 of 2021.

The provision in dispute stipulates that, with effect from 10 January, access to public transport is conditional upon the possession of enhanced COVID certification, and hence the prerequisite of either having been fully vaccinated or having fully recovered from COVID-19 infection.

The applicants, who do not hold enhanced COVID certification, allege that this provision prevents them from participating in parliamentary business, including in particular (but not limited to) the election of the President of the Republic scheduled to take place on 24 January: specifically, it is asserted that persons resident in the islands are unable to travel to Parliament by public aircraft or ferry if they do not hold enhanced COVID certification. Accordingly, in view of the urgency, they also requested the interim suspension of the provision establishing this obligation.

Pending the filing of the order, the Communications and Press Office of the Constitutional Court announces that the jurisdictional dispute has been ruled inadmissible.

The Court has found that no manifest violation has occurred of the constitutional prerogatives of members of Parliament. Specifically, the provision to which the jurisdictional dispute relates governs the conditions for access to public transport, which apply to society as a whole and do not concern any specific powers of members of the Chamber of Deputies or senators, which have been affected in *de facto* terms on a collateral basis. The

exercise of these powers must be guaranteed by the competent bodies of the Houses of Parliament, in accordance with the applicable legislation.

The declaration of inadmissibility renders moot the request for an interim suspension.

The order will be filed over the next few days.

Rome, 19 January 2022

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