

Press Office of the Constitutional Court

*Press Release of 26 March 2020*

## ANTI-MAFIA EXCLUSION NOTICES: THE EXTENSION TO THE PRIVATE ACTIVITIES OF UNDERTAKINGS IS CONSTITUTIONAL

An anti-mafia exclusion notice [entailing a ban on concluding contracts] issued by a prefect against the private activities of undertakings that have been the object of attempted mafia infiltration does not violate the constitutional principle of freedom of private economic initiative. This is because, whilst it entails a major sacrifice (this case concerned registration in the register of craft undertakings), it is justified by the extremely dangerous nature of mafia organisations and the risk of interference with competition and with human dignity and freedom itself.

This finding was made by the Constitutional Court in [Judgment no. 57](#) filed today (author Giancarlo Coraggio), which declared unfounded questions of constitutionality raised by the *Tribunale di Palermo* concerning Articles 89-*bis* and 92(3) and (4) of Legislative Decree no. 159 of 6 September 2011, known as the “Anti-Mafia Code”.

In particular, the Court did not discern any grounds or unconstitutionality in the choice to vest the power to issue the serious measure - which prohibits any economic activity, including with private counterparties - in the administrative authorities rather than the courts, as had been called for by the referring court. This is in view of the need to engage in preventive action, through constant monitoring of the manner in which the mafia infiltrates itself into the economy as well as

its capacity to adapt to specific local circumstances and changes in economic circumstances. In any case, the Court stressed, these measures are subject to full and effective judicial review by the administrative courts, which are required to carry out a substantive examination of the information gathered by the prefect and to verify its consistency and coherence in order to ensure the necessary protection for private individuals.

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