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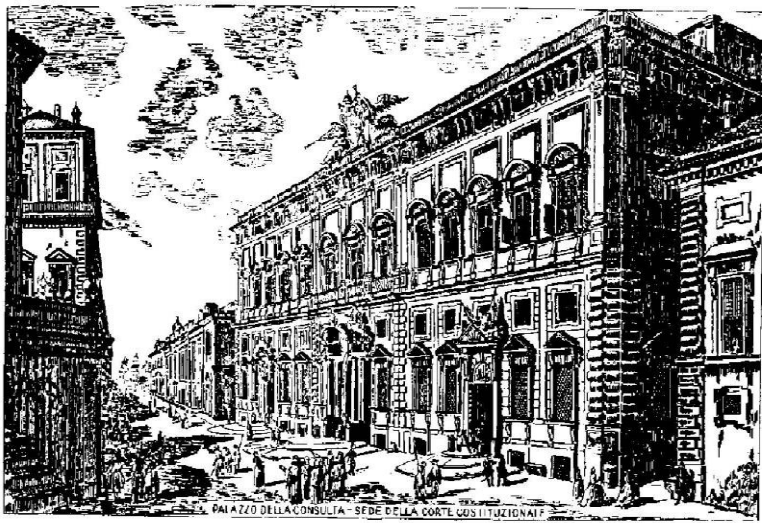

SUMMARY OF THE REPORT ON THE WORK OF THE CONSTITUTIONAL COURT IN 2019

Marta Cartabia
President of the Constitutional Court

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Palazzo della Consulta

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1 The "open" Court in the age of COVID-19

The traditional special meeting of the Constitutional Court, together with the Head of State, representatives of the other public Institutions, and representatives of the press, in order to describe the work of the Court in 2019 was scheduled for 9 April 2020, but was postponed due to the COVID-19 emergency. I would like, first of all, to express my heartfelt grief for the deaths of thousands of our fellow citizens and my sincere gratitude for all those – particularly our doctors, nurses, and other healthcare workers – who are ensuring that the essential services of the Republic continue to be provided at this difficult time, with skill, courage, and generosity.

In its own way, the Constitutional Court has also continued, and continues, to carry out its essential activities, adjusting its procedures to the demands of the current situation and holding mostly virtual meetings, in accordance with the Presidential Decrees of March 12 and 24, and April 20, 2020 in order to limit exposure to the risk of contagion caused by the physical movement of persons, and, at the same time, to ensure the continuity and efficient administration of constitutional adjudication, in total compliance with due process. All other previously scheduled events have had to be postponed indefinitely. Here I would like to express sincere gratitude to my colleagues, the head of the administrative office, and all the

Court staff for the dedication, availability, and proficiency they have put toward swiftly making all the changes necessary to ensure that the Court has been able to move forward with constitutional adjudication.

In the context of this "lockdown," reporting on the work of the Court in 2019 is somewhat paradoxical. This past year represented the grand opening of the Court to the public and to the international sphere. "Openness" was the keyword of the year at the seat of the Court, the *Palazzo della Consulta*. The Court opened its doors, not only to permit members of the public and the press to attend its public hearings, but also to allow people to visit the building. It dedicated a good deal of energy toward developing forms of communication capable of reaching not only legal practitioners and specialists, but the general public as well. It increased its press releases. It redesigned its website. It attained a presence on social media. It worked to improve its English language communications, increasing the frequency of its publication of English translations of decisions, press releases, and the essential documents relating to constitutional adjudication. It attended several meetings with other Constitutional Courts and the European courts. It hosted scholarly seminars. It received formal visits and delegations from other courts. And what is more: the Court not only "opened its doors," it also went out through them. It went out to reach young people in Italy's schools, something it had begun to do, albeit in a less structured way, in previous years. It made visits of historic significance, going out to encounter detainees in the prisons, all of which is documented and analyzed in the Court's online site, and is artistically portrayed in the documentary film *Viaggio in Italia: La Corte Costituzionale nelle Carceri* [Journey through Italy: The Constitutional Court in the Prisons], directed by Fabio Cavalli and produced by RAI Cinema and Clipper Media. And, by screening the documentary throughout the country, and even abroad, the Court

extended its outreach, introducing itself to everyone and bringing with it the values of the Constitution. The year 2019 was one of tremendous dynamism, both in the positions the Court took in its decisions, and in its non-judicial activity (and, for more information about this, I urge you to take a look at the sources that the Administrative and Public Communications offices have made available, together with the traditional report on the Court's judicial work and the statistical data compiled by our Studies Department).

Then came the unexpected advent of a period of closure, a standstill brought on by this dramatic juncture in the history of our country and of all humanity. Now, everything has been forced to a crawl. Time is, in some senses, suspended. In these circumstances, the state Institutions of the Republic are ensuring the continuity of the functions entrusted to them, limiting their work to essential activities and urgent matters that require immediate attention. There is a time for everything, and everything is beautiful in its time, we might say, to paraphrase the ancient wisdom of the book of Ecclesiastes. The time of the Court's "Journey through Italy" was brusquely interrupted, and many other cultural and international activities that had already been scheduled as a part of the opening up of our Institution have been postponed. Nonetheless, the time period that I am calling suspended in some ways is not, for this reason, relegated only to the past – it was not "lost time". Some of that work is just coming to fruition now, during this unexpected "recovered time" of the present moment.

Notably, during its "opening" phase, the Court concluded the approval process for some important structural modifications to its constitutional procedure.

After hosting a seminar at the *Palazzo della Consulta* in December 2018, and following extensive internal debate, the Court released a decision on 8 January 2020 making changes to its *Supplementary Rules for*

Cases Before the Constitutional Court, which were intended to foster broader participation in constitutional procedure. In particular, the Court instituted the use of *amicus curiae* briefs and the possibility to hear from experts in other fields. It also provided that any not-for-profit organization or institution may submit brief, written opinions to provide the Court with useful information for its consideration and evaluation of the case before it, garnered through their "on-the-ground" experience. At the same time, the Court may call experts of good repute in other fields, in order to obtain insight on the specific issues that come to light in addressing the questions brought for its review.

The response from the public was immediate. A variety of actors submitted many requests to participate; and the Court has already made use of its ability to call experts, calling two of them in a recent case on the organization of the internal revenue service, the *Agenzie delle Entrate*.

These changes to constitutional procedure entered into force before the unexpected crisis triggered by the epidemic forced institutional life to come to a sudden halt. The fact that the interested parties generously and willingly accepted all the new procedures introduced in January 2020 by the interested parties serves as confirmation of a change that had already occurred under the banner of openness, including at the procedural level. Now it is only a matter of awaiting a more opportune time to fully realize the potential of the new supplementary rules.

During the freeze on activities with which we are asked to comply at the present moment, we are not left without space for reflection. This moment of suspension affords us the luxury of allowing the many new developments of the past few years to decant, consolidating them further through a developing awareness of the importance of a Court "in relationship:" fully integrated into the institutional fabric of the Republic, open to society, and a protagonist at the European and international levels as well.

Today, the Court continues to operate in a more secluded and reserved way, awaiting the day when it can open its doors again, with renewed energy and conviction. The Court's experience of recent years – years that have truly been "special," as President Giorgio Lattanzi called them in his opening remarks in last year's Report – has instilled in the judges, and in many others involved in constitutional adjudication, the belief that an open Court is the harbinger of a richer form of constitutional justice. The benefits drawn from the Court's experience in "going out" have yielded returns for the heritage of constitutional justice. The Constitutional Court's "Journey through Italy" will go on, and over time it will find new modes of expression, in line with its great potential.

2 An Overview of Constitutional Justice in 2019

2.1 The numbers: demand went up, there was an increase in rulings of unconstitutionality, and the length of proceedings decreased

Turning now to the judicial work of the Court, it is useful to start with the statistical data, in keeping with tradition.

The numbers, percentile data, and graphics may all be found, in detail, in the designated volume put out by the Studies Department. Here, I would like briefly to point out just a few trends: in 2019, requests for constitutional adjudication increased. The number of rulings of unconstitutionality by the Court also rose; and, more generally, judgments increased with respect to orders, meaning that the Court more often entered into the merits of the questions and provided thorough reasoning in support of its decisions. Finally, there was a steep reduction in the

amount of time the Court took to reach a final decision, and the average duration of a constitutional case fell to only ten months.

It is hard to identify with any certainty what causes contributed to the increased volume of cases before the Court. It surely bears noting that the rise in cases has coincided with the Court's efforts to increase the transparency, openness, and accessibility of its work through the numerous initiatives related to its institutional communications. Moreover, the fact that this increase happened alongside the Court's move to become less formalistic in vetting the prerequisites for admissibility of matters brought through the incidental method of review – leading to a decrease in rulings of inadmissibility, and a corresponding increase of decisions on the merits – may have encouraged interested parties to have recourse to the Court, starting with referring courts. It is particularly significant that the Supreme Court of Cassation, the Council of State, and the Court of Auditors have increasingly consulted the Constitutional Court. This confirms the invaluable propensity of the Supreme Courts of our legal system to cooperate toward the common purpose of propagating constitutional principles in depth and in every area of the legal system.

2.1 Three trend lines

Turning now to the merits of constitutional case law, we can identify three clear profiles: 1) the need to reinforce the principle of loyal cooperation, particularly in dialogue with the Legislator; 2) the growth of inter-jurisdictional collaboration to protect fundamental rights; 3) more stringent review in the area of criminal law and punishment.

For present purposes, I will only point out the principal emerging issues, as seen from within the Court, starting from a need that arises ever more plainly in all of the Court's activities: that of the full development of "loyal

cooperation" between all the state Institutions of the Republic in implementing constitutional principles.

3 Loyal cooperation as a constitutional principle

At this point it is requisite that we begin with a thought which is only apparently trivial or obvious: guaranteeing and implementing constitutional principles is a task that is, *per se*, inexhaustible; and it involves all of the governing Institutions of the Republic.

It is true that the Constitutional Court has a unique role, which is that of ensuring compliance with constitutional principles, including on the part of the Legislator. However, it is also true that the full implementation of constitutional principles can only be collective in nature, and requires the active, loyal cooperation of all the Institutions: ordinary courts, international courts, the regions, the Public Administration, and, above all, the national Legislator. As President Lattanzi emphasized in last year's report, it is very often the case that the rulings of the Constitutional Court are "not so much the end point of a given matter, but rather the intermediate point in a regulatory trajectory that is only completed when it is concluded by the Legislator." The Court definitively concludes, with a judgment, a question of constitutionality. The Court's decisions are final (art. 137 of the Constitution). However, a question of constitutionality is no more than a fragment of a process and legal dynamic that moves on into other forums.

This gives rise to the need for a cooperation that must govern the relationships among all public Institutions. The fruitful and active cooperative relationships that exist between the Constitutional Court and the other Italian courts are, by now, a fixture of Italian constitutional adjudication, and one that is fairly unique from a comparative law perspective. These relationships have borne, in the past, and continue to

bear today, precious fruit for the effectiveness of the system of constitutional review. Equally important for bringing the legal system in line with the Constitution is the relationship between the Constitutional Court and the Legislator – the Government and the Parliament – with deference to the principle of loyal cooperation, which is as essential as that of the necessary separation of powers, and wholly complementary to it. Separation of and cooperation among the powers are the two co-essential pillars that support the constitutional architecture of the Republic.

The fact that the state powers are independent one from the other does not contradict their necessary interdependence, particularly in highly complex societies, like those of today.

Constitutional case law has, for many years and in many different contexts, affirmed the centrality of the constitutional principle of loyal cooperation, not only with other courts, both domestic and European, and not only in the relationships between the State and the Regions, but also, and above all, in the relationships among constitutional bodies, as a basic pre-condition for the proper functioning of the institutional system and the government.

3.1 Cooperation between the State and the Regions

In terms of State-Region relations, it is important to bear in mind that, in a significant number of cases, particularly when it comes to fiscal matters, the Court reminds the parties of their duty of loyal institutional cooperation. At times this cooperation is lacking entirely; at other times it comes too late. I feel it is important to point out here that many constitutional matters brought before the Court by direct reference by the State or the Regions end up becoming devoid of purpose or are dismissed following modifications to the challenged provisions that are made while

the case is pending, often following negotiations between the State and the Regions. Over the course of 2019 this occurred 35 times.

The Court can only be happy when a dispute that had arisen between the State and the Regions can be fixed through a political resolution of the antinomy, in the name of the cooperation that was absent previously. Nevertheless, this way of doing things has some shortcomings: in particular, the case before the Court ends up working like a sort of tool for applying pressure with an eye toward further evaluations and potential agreements, resulting in a substantial, wasted investment of the Court's time, energy, and resources.

3.2 Institutional cooperation between the Court and the Legislator

While the record of directly-referred cases described in the previous section underscores the need for earlier and more effective cooperation between the State and the Regions, relations between the Court and the state Legislator are the primary place in need of renewed, open cooperation, in compliance with each one's spheres of competence.

3.2.1 Constitutional justice and the political sphere

Over this past year, the Court took the occasion to clarify its role vis-à-vis the spheres reserved to politics.

The dynamics of constitutional review play out along the course plotted by the "polar opposition" between two principles that stand in constant tension, and which must always be kept in balance: the constitutional principle of the autonomy of the political sphere; and the scrupulous respect for procedural and substantive principles imposed upon that sphere by the Constitution.

Continuing the trajectory of its case law in recent years, the Court, faced with an unconstitutional defect, does not refrain from reaching a decision

on the merits simply because there is no constitutionally mandated solution – that is, no answer in "mandatory verse," to borrow Vezio Crisafulli's apt expression. Whereas, in the past, the Court tended to stop at the threshold of inadmissibility when it found that there were many possible choices available to fix a constitutional defect, today, with increasing frequency, the Court proceeds to reach a decision on the merits.

The Court – which may never enact positive legislation and, therefore, cannot create the missing provisions to fill in – looks to existing legislation in order to identify a constitutionally appropriate, but not constitutionally mandatory, answer to apply temporarily until the Legislator feels it is appropriate to take up the legislative reforms, the enactment of which always falls to its discretion.

This method allows both of the conflicting principles to be better preserved: the necessary elimination of constitutional defects, together with the equally necessary respect for the role of the Legislator.

3.2.2 Two eminent examples

Two examples that illustrate this two-fold concern of the Court's, albeit in very different subject areas, are worthy of mention here.

Early in the year, **Order no. 17** recognized, for the first time, the standing of individual members of Parliament to allege the presence of defects in legislative procedure by initiating a dispute for conflict of jurisdiction between branches of the State, where such defects result in serious and manifest violations of the rights that, under the Constitution, belong to the position of membership in the Houses. This was a landmark case, not least of all because it concerned one of the nerve centers of the political system: the annual budget law.

The Court reiterated its own role as guarantor of the constitutional principles that govern legislative procedures, with statements of principle that were novel at the procedural level. At the same time, however, the Court demonstrated respect for parliamentary autonomy and was careful not to interfere with the Houses' internal rules. Thus, it settled upon a form of scrutiny based upon the "manifest violation" of constitutional principles, used for instance for review of the prerequisites for emitting urgent decrees. This resulted from the need to balance all the constitutional principles in play, including the requirements of efficiency and timeliness of parliamentary decision-making, particularly in the area of economics and finance, reflected in parliamentary practice.

On an entirely different topic – but in the same vein – is another 2019 decision that had resounding effect: the *Cappato* case, which dealt with end-of-life issues.

After issuing Order no. 207 of 2018, the Court waited for a year for the Legislator to take the necessary action, and then had to resolve the case on its own with **Judgment no. 242**, the contents of which are well known. In this case, too, inspired by similar decisions by the Supreme Court of Canada and the Supreme Court of the United Kingdom, the Court used a new procedural technique for the purpose of meeting the two-fold need of eliminating the unconstitutional element of Article 580 of the Criminal Code while (and this is the point I most wish to underscore) leaving room for the Legislator, in the first place, to take action in a highly delicate area that has been subject to extensive public debate, and which demands that diverse cultural viewpoints may be reconciled in the first instance through political forums.

3.2.3 Collaborative procedural techniques

It is useful to observe that this procedural model, which some commentators have called excessively creative, is far from unique. Comparative legal study reveals an extremely widespread practice of developing procedural and decision-making techniques geared to encourage constructive synergy between Constitutional Courts and Legislators, in their shared task of ensuring full compliance with and the full development of constitutional principles. Constitutional Courts not infrequently declare that a given legislative provision is unconstitutional, but freeze the effects of their decisions in order to give the Legislator the time it needs to eliminate the defect, without creating a gap in the legislation or other problems or constitutional issues in the legislative system. The experience of other countries indicates that the Constitutional Courts' regulation of the effects of their own decisions – particularly on the basis of time – and cooperation with the Legislator, are two sides of the same coin.

Not by chance, the Italian Constitutional Court itself has looked into such procedural tools since 1988, and has continued to experiment with applying them in various ways since that time, throughout its case law.

For this reason, in 2019, in the spirit of total institutional cooperation, and in keeping with the practice of the principal European Constitutional Courts, the Court confirmed that, albeit only in exceptional cases, there may be limits to the retroactive effect of rulings of unconstitutionality (**Judgment no. 246**). This may occur when there is need to balance values and constitutional principles upheld in the decision with others of equal import, which would otherwise risk being seriously compromised.

3.2.4 Calls for legislative action: non-deferrable cooperation

Where the Legislator's cooperation becomes urgent – I would even say non-deferrable – is when it comes to "warning-judgments." It is common for the Constitutional Court to include, in the reasoning sections of its rulings (of unconstitutionality, constitutionality, or inadmissibility), expressions urging the Legislator to intervene in a given area, where the Court has identified problematic elements that hang beyond its reach and require action by the Houses. As a rule, these holdings are called "warnings" to the Legislator, but it is more accurate to consider them "invitations" calling upon the Government and the Houses to come forward, in a spirit of cooperation, with remedies for regulatory scenarios that are problematic, obsolete, or unreasonable, and, therefore, likely to evolve into points of true friction with constitutional principles.

There were many examples of this over the course of 2019, in a number of different subject areas (which the internal Studies Department has compiled into a designated document), including social security, budget and finance, tax collection, criminal law and punishment, and many others.

"Warnings" often give rise to so-called "double rulings," where, first, the Court points out to the Parliament any problem areas that require legislative modification, and then, if the problem persists and continues to be brought before the Court for scrutiny, it cannot avoid to remedy the situation itself, using the regulatory tools at its disposal. One example of this is **Judgment no. 40**, which dealt with sentencing measures for drug trafficking crimes, and was the last in a long string of cases in which the Court had urged the Legislator in vain to remedy the disproportionateness of the punishment.

Fortunately, there is no shortage of positive examples, marked by swift cooperation with the Parliament. This was the case with **Judgment no. 20**, which dealt with the publication of fiscal data concerning the income

and assets of public sector managers and their spouses. After the Constitutional Court declared the provision unconstitutional, the Legislator took up the Court's call for action and passed Decree Law no. 162 of 30 December 2019 (the so-called "*Milleproroghe*," or "thousand prorogations" decree law), which is awaiting implementation in the form of a designated regulation by the Government.

3.2.5 Formal and informal channels of communication between the Constitutional Court and the Legislator

In order to facilitate this crucial cooperation between the Court and the Legislator, it is necessary to take full advantage of the formal channels of communication the system provides, and potentially to update and enrich them, including in light of relevant experience abroad.

By law, the Court is required not only to publish its decisions, but also to communicate them to the President of the Republic, the Houses of Parliament, and the Regional Councils, and it is prompt in meeting these obligations.

What is more, parliamentary regulations contain specific provisions on "follow-up on the rulings of the Constitutional Court," which envisage special procedures intended to monitor the Court's decisions, particularly those containing findings of unconstitutionality which could require legislative action. These tools deserve to be used with greater frequency for the purpose of swiftly eliminating any problem areas identified by the Court specific to regulatory areas, which may cause problems for legal practitioners and citizens.

A comparative look at legal practice can provide the inspiration for developing new forms of institutional cooperation, which have already been put successfully into practice by other Courts.

One particularly important example coming from Germany is the well-established custom of holding annual *informal meetings* between the Constitutional Court, the Government, and the Houses, in order to exchange general information. Naturally the exchange does not touch upon topics related to pending proceedings or matters that may foreseeably be brought before the Court. Rather, the information concerns the past and concluded work of the Court, which may require legislative follow-up or which have other problematic implications of a general nature. News about these meetings is spread through dedicated press releases published on the website of the Federal Constitutional Court of Germany.

4 Cooperation among jurisdictions for the protection of fundamental rights

The year 2019 marked the consolidation of the Court's case law dealing with the relationship between domestic courts, the Constitutional Court, and the European Courts, with a view toward attaining closer cooperation among various jurisdictions in the area of fundamental rights protections.

With three 2019 decisions in particular – **Judgments no. 20** and **63**, and **Order no. 117**, which makes a new reference for a preliminary ruling to the Court of Justice of the European Union – the Court wished to reiterate the cooperative and inclusive import of the shift established by its case law in recent years. Cooperating with all relevant courts and tribunals, and maximizing the protection of fundamental rights, are the compass points that guide the work of the Constitutional Court in this field. And the Court's contribution is all the more necessary the more that EU law acquires a constitutional character, starting with acknowledging the legal value of the Charter of Fundamental Rights.

The Court's cooperation with the European Court of Human Rights is equally intense, albeit falling under a different institutional framework. The

most relevant 2019 cases in this regard were **Judgments no. 24**, **25**, and **26**, on preventive measures affecting persons and property, in which certain judgments handed down by the ECtHR featured importantly, as well as **Judgments no. 63**, **88**, **112**, and **117**, on safeguards that apply to administrative penalties.

5 Criminal law and the execution of criminal sentences

In 2019 the Court devoted special attention to criminal justice, continuing along a trajectory that has marked the past several years. Here, the new developments relate not so much to criminal procedure as to prison law and substantive criminal law itself; areas that, in the past, were typified by extreme deference to legislative discretion on the part of the Constitutional Court. Over time it became increasingly clear that it is unacceptable for the Court to limit its scrutiny, precisely in the area where the fundamental rights of the person come to the fore most clearly in relation to the punitive authority of the State, simply because a univocal solution is absent. Therefore, this became another area in which the Court, driven by a new degree of sensitivity, sought solutions already existing in the system that were suitable to remove the unconstitutional rule while simultaneously preserving the discretion of the Legislator.

The Constitutional case law of recent years has relied upon certain fundamental principles that have permitted the Court to carry out more precise constitutional evaluations, including in these areas. One is the *principle of proportionality* of punishment, implied by the principle of reasonableness (Article 3 of the Constitution) and the rehabilitative purpose of punishment (Article 27 of the Constitution), and stated explicitly in the case law of the European Courts. The Court applied this principle, with opposite outcomes, in **Judgment no. 40**, a drug trafficking case, and **Judgment no. 284**, about insulting a public officer.

Then, the principle that criminal punishments be *flexible and based on individual circumstances*, in order to meet the rehabilitative purposes of punishment as required under Article 27 of the Constitution, led the Court to several high-impact rulings in 2019. A few of the most important examples bear mentioning here.

Judgment no. 99 extended the scope of application of house arrest, for cases of convicted persons affected by serious mental illness, the onset of which came after they began serving their sentence.

One particularly important decision was **Judgment no. 253**, which struck down Article 4-*bis*(1) of the prison system law in the part in which it failed to allow inmates convicted of specified crimes to have access to bonus periods of short release unless they cooperated with the judicial authorities, even when acquired evidence indicated that they neither maintained current links with organized crime nor posed a risk of reinstating past links. The Court held that the existing scheme, which placed an absolute bar on these inmates' access to the bonus periods of short release, made it impossible to carry out concrete evaluations of an offender's progress toward rehabilitation in prison and ran the risk of stifling such progress entirely. The presumption of non-qualification for the bonus had to be rebuttable through the case-by-case demonstration of the separation that has occurred between the offender and the relevant criminal organization, and of the absence of any risk that such ties will be re-established as the prisoner enjoys the bonus.

For the same reasons, the parallel **Judgment no. 263** declared that a similar prohibition that applied to juvenile offenders was unconstitutional, especially in light of the special protection that the Court has always afforded juvenile detainees.

The Court's work in these areas will allow the supervisory courts, whose task it is to exercise their discretionary powers through careful

discernment, to pursue the aims of rehabilitating detainees, at the same time without disregarding the demands of public safety, by calibrating each decision according to each offender's progress, taking into account the full range of concrete circumstances.

6 Beyond 2019

The new year opened with a truly unprecedented and unforeseeable happenstance, marked by a state of emergency and the urgent need to prioritize the protection of people's lives, health, and physical integrity, even at the cost of a necessary and temporary sacrifice of other rights.

Our Constitution does not envisage a special form of law for states of emergency, and this was a conscious choice. The text of the Constitution does not contain clauses suspending fundamental rights, which can be triggered by exceptional circumstances, nor provisions that allow for changes to the power structures in times of crisis, similar to article 48 of the Weimer Constitution, or article 116 of the Spanish Constitution or article 16 of the French Constitution.

Nevertheless, the Constitution is not insensitive to changing circumstances, or to the potential outbreak of emergency situations, crises, or extraordinary cases of necessity and urgency, as Article 77 of the Constitution puts it, on the topic of decree-laws. The Italian Republic has passed through various crises and emergencies – from the years of armed conflict to the more recent economic and financial crisis – all of which have been dealt with without ever suspending the constitutional system, but rather drawing from within it the tools it has needed to adjust constitutional principles to meet specific needs: necessity, proportionality, balancing, justiciability and transience are the criteria with which, according to constitutional case law, the "systemic and not piecemeal" protection of the

principles and fundamental rights enshrined in the Constitution must be implemented in every day and age (Judgment no. 264 of 2012).

This means that even today, it is the Constitution, such as it is – with its balanced complex of principles, powers, limits and guarantees, rights, duties, and responsibilities – that offers government Institutions and citizens a much-needed compass to navigate "the high seas" of the current emergency and post-emergency period that awaits us.

The entire Republic and all its Institutions – political and judicial, state, regional and local – are working tirelessly in the European context toward the common goal of serving the needs of individual citizens and the entire community as best they can. Among the people, spontaneous works of solidarity are springing up everywhere. At the institutional level, the words spoken by the President of the Republic in an address to the people of Italy at the beginning of the crisis, on 5 March 2020, capture the spirit that the present circumstances demand: "The present time calls for mutual engagement, sharing, harmony, and unity of purpose." This goes for our Institutions, for politics, for the daily life of society, and for the channels of information. Emergencies require that both the authorities and the providers of information to the public take on a surplus of responsibility, since they play a crucial role in the life of society and the democracy.

In times like these, if there is one constitutional principle that deserves particular emphasis and attention, it is precisely that of "loyal cooperation," the institutional side of solidarity. The Constitutional Court, for its part, will not tire of returning to this principle in its case law, so that the work and the energy of the entire national community will coherently converge and move toward a single, shared goal.