



CONSTITUTIONAL COURT OF THE ITALIAN REPUBLIC

SUPPLEMENTARY RULES

**RULES OF PROCEDURE
OF THE CONSTITUTIONAL COURT**

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CONSTITUTIONAL COURT OF THE ITALIAN REPUBLIC

Adopted under Article 14, paragraph 1, and Article 22, paragraph 2, of Law No 87 of 11 March 1953.

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THE CONSTITUTIONAL COURT

HAVING REGARD to Article 14, paragraph 1, and Article 22, paragraph 2, of Law No 87 of 11 March 1953;

HAVING REGARD to the *Supplementary rules of procedure of the Constitutional Court of the Italian Republic*, approved on 7 October 2008 and published in the *Official Journal of the Italian Republic* No 261 of 7 November 2008, as amended;

HAVING REGARD to the proposal of the Committee for Studies and Regulations of 15 July 2021;

HAS DECIDED AS FOLLOWS:

The *Supplementary rules of procedure of the Constitutional Court of the Italian Republic*, approved on 7 October 2008 and published in the *Official Journal of the Italian Republic* No 261 of 7 November 2008, as amended, are replaced by the following text:

CHAPTER ONE

QUESTIONS OF CONSTITUTIONALITY ARISING DURING PROCEEDINGS

Article 1

Transmission of referral orders

1. A court referring a case for constitutional review shall transmit a referral order to the Constitutional Court by digital means. The referral order shall be accompanied by the case file and proof of service and notifications required by Article 23 of Law No 87 of 11 March 1953.

Article 2

Publication and registration of referral orders

1. After the Registrar of the Constitutional Court verifies, in accordance with the rules of the Registry, that the referral order and the service and notifications required by Article 23 of Law No 87 of 11 March 1953 are in order, the President of the Court shall provide that the referral order be published in the *Official Journal of the Italian Republic* and, where applicable, in the *Official Bulletin* of the Regions concerned.

2. The referral orders under Article 23 of Law No 87 of 11 March 1953 shall be recorded by the Registrar of the Constitutional Court in the general case register upon receipt. The record shall include the dates of service and of the publication of the referral order in the *Official Journal of the Italian Republic* and in the *Official Bulletin* of the Regions concerned.

Article 3

Court appearance

1. The parties to the case shall enter appearance within twenty days of the publication of the referral order in the *Official Journal of the Italian Republic* by lodging, by digital means, a special power of attorney and their submissions, including a statement of the forms of order sought. Within the same time-limit, new documents relevant to the constitutional review case may be submitted.

Article 4

Interventions

1. The Prime Minister may intervene in the proceedings within twenty days of the publication of the referral order in the *Official Journal of the Italian Republic* by digitally filing their submissions, including a statement of the forms of order sought, signed by the Attorney General or their deputy.

2. The President of a Regional Government may intervene in the proceedings within twenty days of the publication of the referral order in the *Official Journal of the Italian Republic* by digitally filing their submissions, including a statement of the forms of order sought, and a special power of attorney.

3. Other parties may intervene in the proceedings following the rules and within the time-limit set out in paragraph 2. These parties must have a qualified interest directly and immediately relevant to the case under constitutional review. The Court shall decide on the admissibility of their interventions.

Article 5

Interveners' access to procedural documents

1. If an intervener under Article 4, paragraph 3, wishes to inspect procedural documents, the intervener shall submit, by digital means and at the same time as the application to intervene, an application for an early session in chambers concerning solely the admissibility of the intervention.

2. After hearing the Judge-Rapporteur, the President shall set by decree the date for the consideration of the application in chambers for the sole purpose of deciding on the admissibility of the intervention.

3. The Registrar shall immediately notify the decree to the parties and the applicant. Within ten days of notification, the parties and the applicant may file by digital means their briefs concerning exclusively the admissibility of the intervention.

4. The Court shall decide by order, which is subject to the publicity rules set out in Article 35.

Article 6 *Amici Curiae*

1. Within twenty days of the publication of the referral order in the *Official Journal of the Italian Republic*, non-profit organisations and institutional bodies with collective or diffuse interests relevant to the case under constitutional review may lodge a written opinion by digital means.

2. The opinion may not exceed 25,000 characters, spaces included, and shall be sent by email to the Registry of the Court, which shall acknowledge receipt by email.

3. After hearing the Judge-Rapporteur, the President shall admit by decree opinions providing useful information to understand and assess the case, also on account of its complexity.

4. The decree referred to in paragraph 3, together with the opinions that have been admitted, shall be made available by the Registry to the parties to the case at least thirty clear days before the public hearing or the session in chambers and shall be published on the Constitutional Court's website.

5. The non-profit organisations and institutional bodies whose opinions have been admitted by the decree referred to in paragraph 3 do not acquire the status of parties to the constitutional proceedings, may not obtain copies of the case file and may not participate in hearings.

Article 7
Filing of documents, papers and briefs with the Registry

1. The parties and interveners under Article 4 shall file their documents and papers with the Registry by digital means. Documents and papers are deemed duly filed when the filing is made in accordance with the decree under Article 39.

2. Any briefs shall be filed in the same way within twenty clear days before the public hearing or the session in chambers.

Article 8
Service and notifications

1. Service and notifications shall be given by the Registrar by digital means and are deemed duly performed if given in accordance with the decree under Article 39.

Article 9
Appointment of the Inquiring Judge and the Judge-Rapporteur

1. Upon expiry of the time-limit referred to in Article 3, the President shall appoint one or more judges to inquire into the case and to act as rapporteur. The Registrar shall immediately forward them the case file.

2. The Judge-Rapporteur may request the President to provide by decree that additional documents be obtained by digital means.

3. The Registrar shall inform the parties to the case and the interveners referred to in Article 4 of the filing of additional documents within the time-limit set out in Article 10, paragraph 2.

Article 10

Convening the Court for public hearings

1. The President shall set the date for the public hearing by decree and convene the Court for that date.

2. At least thirty days before the date set for the hearing, the Registrar shall give notice thereof to the parties and the interveners under Article 4.

3. The Judge-Rapporteur, in agreement with the President, may put specific questions to the parties to the case and the interveners referred to in Article 4. The counsels shall answer orally during the public hearing. The Registrar shall forward the questions to all the counsels and to the other Judges at least five days before the date set for the hearing.¹

Article 11

Convening the Court for sessions in chambers

1. If none of the parties enters appearance, the President may convene the Court for a session in chambers by decree.

2. The President may also convene the Court for a session in chambers, after hearing the Judge-Rapporteur, whenever the President considers that the case could be declared manifestly groundless or manifestly inadmissible or that the case file could be returned to the referring judge.

3. At least thirty days before the date set for the session in chambers, the Registrar shall give notice thereof to the parties and the interveners under Article 4.

4. The parties and the interveners under Article 4 may explain, in the briefs referred to in Article 7, paragraph 2, the reasons why they consider that the case should be discussed at a public hearing.

5. If the Court deems that the case may not be determined in chambers, it shall order it be discussed at a public hearing.

¹ Paragraph 3 was added by Decision of the Court of 24 May 2022, published in the *Official Journal of the Italian Republic* on 31 May 2022. Under Article 4 of the Decision, the amended version of this rule entered into force fifteen days after its publication in the *Official Journal of the Italian Republic*, thus on 16 June 2022. Furthermore, Article 3 of the Decision provides that the rules for public hearings are set forth in a decree by the President of the Constitutional Court, based on a decision of the Court.

Article 12

Special provisions regarding preclusion and debarment from action

1. The Court shall decide on preclusions or debarments from action arising out of causes beyond the control of the parties or the interveners under Article 4.

2. The President may, in agreement with the parties to the case and the interveners under Article 4, authorise the filing of documents at the public hearing.

Article 13

Forwarding of documents to the Judges

1. At least ten days before the date of the public hearing or the session in chambers, the Registrar shall forward to each Judge the referral order or the application initiating proceedings before the Constitutional Court as well as all the documents included in the case file, in accordance with the decree under Article 39.

Article 14

Evidence

1. The Court shall provide by order that any evidence deemed appropriate be taken and shall lay down the relevant time-limits and procedures to be observed.

Article 15

Taking of evidence

1. Evidence shall be taken before the Court in chambers, with the participation of the parties and the assistance of the Registrar, who shall draw up the minutes.

2. At least ten days before the date set for the taking of evidence, the Registrar shall give notice thereof to the parties to the case and the interveners referred to in Article 4.

3. All the costs arising out of the taking of evidence shall be borne by the Court.

Article 16

Completion of inquiry and reconvening of the Court

1. After the taking of evidence is completed, the relevant documents shall be filed with the Registry by digital means.

2. At least thirty days before the date set for the next public hearing or session in chambers, the Registrar shall give notice thereof to the parties to the case and the interveners referred to in Article 4.

Article 17

Experts

1. If the Court deems it necessary to obtain domain-specific information, it shall provide by order that distinguished experts be heard at a dedicated session in chambers, to which the parties to the case may attend. With the President's permission, the parties may put questions to the experts.

2. The Registrar shall notify the parties to the case by digital means at least ten days before the date set for the session in chambers.

3. The Court may also order that documents or written reports be obtained from the experts heard. The parties to the case shall be notified of the digital filing of such documents or reports.

Article 18

Joinder of cases

1. The President may order, either of the President's own motion or at the request of a party, two or more cases be dealt with together at the same public hearing or session in chambers.

2. After the public hearing or the session in chambers, the Court shall decide whether and which cases should be joined to form the subject a single judgment.

3. When the President deems it appropriate, the President may defer a case to be dealt with at a later public hearing or session in chambers so that it is treated jointly with a connected case or a case requiring the solution of similar issues.

Article 19

Public hearings

1. At the public hearing, the Judge-Rapporteur shall briefly set out the issues of the case and the questions possibly formulated according to Article 10, paragraph 3.

2. After the Judge-Rapporteur has delivered their report, up to two counsels for each party shall briefly summarise the grounds for their submissions and answer the questions possibly put by the Judge-Rapporteur.

3. At the hearing each Judge may put further questions to the counsels.

4. The President shall chair the hearing and decide upon the time allocated for the oral defences.

5. The provisions of Articles 15, 16 and 17 of Law No 87 of 11 March 1953, as well as Article 128, paragraph 2, and Article 129 of the Code of Civil Procedure, shall apply.²

² Article 19 was substituted by Decision of the Court of 24 May 2022 (see Footnote 1 above). Under Article 3 of the Decision, the rules for public hearings are set forth in a decree by the President of the Constitutional Court subject to the Court's decision. See Decree No 61 of 31 May 2022.

The previous text, in force from 3 December 2021 to 15 June 2022, provided as follows: "1. *At the public hearing, the Judge-Rapporteur shall briefly set out the issues of the case.* 2. *After the Judge-Rapporteur's report, usually up to two counsels for each party shall briefly summarise the grounds for their submissions.* 3. *The President shall chair the hearing and may decide upon the issues and the time limits around which the hearing is to take place.* 4. *The provisions of Articles 15, 16 and 17 of Law No 87 of 11 March 1953, as well as Article 128, paragraph 2, and Article 129 of the Code of Civil Procedure shall apply*".

Article 20
Deliberations on judgments and orders

1. Judgments and orders shall be deliberated upon in chambers by open vote of the Judges present at all public hearings or sessions in chambers held until the close of the discussion.

2. After the Judge-Rapporteur's report, the President shall chair the discussion and put the issues to the vote.

3. The Judge-Rapporteur shall vote first, followed by the other Judges starting with the most recently appointed Judge. The President shall have the final vote. In the event of a tied vote, the President's vote shall prevail.

4. After the vote, the judgment or order shall be drafted by the Judge-Rapporteur unless the President, due to the Judge-Rapporteur's unavailability or for other reasons, entrusts its drafting to another Judge or more Judges.

5. The date of the decision is the date of the vote under paragraph 3.

6. The judgments and orders whose texts have been approved by the Court shall be signed by the President and the Judge-Rapporteur.

Article 21
Stay, interruption and termination of the main proceedings

1. The stay, interruption and termination of the main proceedings shall have no effect on the case before the Constitutional Court.

CHAPTER TWO

QUESTIONS OF CONSTITUTIONALITY RAISED AS MAIN ISSUES

Article 22

Applications for constitutional review

1. In the cases provided for by Articles 31, 32 and 33 of Law No 87 of 11 March 1953, applications for constitutional review shall specify the constitutional provisions allegedly violated and explain the relevant grounds.

2. Applications shall be filed with the Registry by digital means, together with documents, papers and proof of service. Regions shall also file a special power of attorney.

3. The provisions of paragraphs 1 and 2 shall also apply to the applications for constitutional review provided for by Articles 56, 97 and 98 of the Special Statute of Trentino-Alto Adige under Presidential decree No 670 of 31 August 1972, as well as to the applications for constitutional review of regional laws approving the Regions' Statutes under Article 123, paragraph 2, of the Constitution, and of the statutory laws of Autonomous Regions with a Special Statute in accordance with their own Statutes.

4. The respondent shall enter appearance by digital means within thirty days of the expiry of the time-limit set for lodging the application. The respondent shall submit their counterarguments, including a statement of the forms of order sought, and provide a valid e-mail address pursuant to the decree under Article 39.

Article 23

Request for stay

1. If a request for stay under Article 35 of Law No 87 of 11 March 1953 is lodged during constitutional review, the President, having considered it urgent to decide and having heard the Judge-Rapporteur, shall convene the Court in chambers by order. By the same order, the President may also authorise the hearing of the parties and provide that the necessary inquiries be carried out.

2. The Registrar shall immediately inform the parties to the case of the date of the session in chambers and of the possible authorisation to be heard.

Article 24
Convening the Court in Chambers
Separate or joint discussion of issues and joinder of cases

1. If the President finds that the application may not be processed, that the proceedings may be terminated or that the subject-matter of the dispute has ceased to exist, after hearing the Judge-Rapporteur, the President may set a date for a session in chambers and convene the Court by decree.

2. The provisions of Article 18 shall apply, insofar as applicable, when the issues raised in a single application are to be discussed separately, when issues which are connected but have been raised in different applications are to be discussed jointly or when cases are joined.

Article 25
Withdrawal of applications

1. If an application is withdrawn and all the parties to the case accept such withdrawal, proceedings are terminated.

CHAPTER THREE
CONFLICTS OF POWERS

Article 26
Applications in the event of conflicts between State powers

1. The application referred to in Article 37 of Law No 87 of 11 March 1953 shall set out the reasons for the conflict and specify the constitutional provisions allegedly violated.

2. After the filing of the application by digital means, the President convenes the Court in chambers as provided for in Article 37, paragraph 3, of Law No 87 of 11 March 1953.

3. If the application is declared admissible, the applicant shall file proof of service with the Registry by digital means pursuant to Article 37, paragraph 4, of Law No 87 of 11 March 1953, within thirty days of the last service. The application shall be published in the *Official Journal of the Italian Republic*, which shall specify the date and the number of the *Official Journal* containing the order declaring its admissibility.

4. The respondent shall enter appearance no later than twenty days after the expiry of the time-limit referred to in paragraph 3 by filing by digital means a document containing their counterarguments, including a statement of the forms of order sought.

5. The application, the entry of appearance and the application to intervene shall contain a valid e-mail address pursuant to the decree under Article 39.

6. The provisions of the last paragraph of Article 37 of Law No 87 of 11 March 1953 shall apply to legal representation and court advocacy.

Article 27

Applications in the event of conflicts of powers between the State and Regions or between Regions

1. The application pursuant to Articles 39 and 42 of Law No 87 of 11 March 1953 shall be served on the Prime Minister or the President of the Regional Government.

2. The application shall also be served on the authority that has issued the act unless it is the Government or a Government-dependent authority.

3. The application shall be filed with the Registry within twenty days of the last service, together with the special power of attorney, when necessary.

4. The respondent shall enter appearance according to Article 26, paragraph 4.

Article 28
Suspension of operation of acts

1. The suspension of the operation of the acts referred to in Article 40 of Law No 87 of 11 March 1953 may be requested at any time.
2. The provisions of Article 23 shall be observed, insofar as applicable.

Article 29
Publication of applications

1. The applications referred to in this Chapter shall be published in the *Official Journal of the Italian Republic*. They shall also be published in the relevant *Official Bulletin* when an act of a Region or of an Autonomous Province is at issue.
2. The application provided for in Article 26 shall be published with the particulars of the order deciding on its admissibility indicated at the bottom of the application.

CHAPTER FOUR
ADMISSIBILITY OF REFERENDUM REQUESTS

Article 30
Proceedings under Article 2
of Constitutional Law No 1 of 11 March 1953

1. The provisions of these Supplementary Rules shall be observed, insofar as applicable, in the proceedings referred to in Article 2 of Constitutional Law No 1 of 11 March 1953.

CHAPTER FIVE
FINAL PROVISIONS

Article 31
Referral rules

1. Articles 2 to 20 shall be observed, insofar as applicable, in the proceedings regulated by Chapters Two and Three.

2. Articles 24 and 25 shall be observed, insofar as applicable, in the proceedings regulated by Chapter Three.

Article 32
Abstention of and challenge to the Judges

1. The provisions on the grounds for abstention of and challenge to the Judges shall not apply to the proceedings referred to in these Supplementary Rules.

Article 33
Decision as to costs

1. In the proceedings before the Constitutional Court, no decision as to costs shall be made.

Article 34
Personal data protection

1. In order to comply with the legislation on personal data protection, the President establishes, by decree and subject to the Court's decision, the criteria and procedures for the publication and dissemination of referral orders, applications initiating proceedings before the Court, and the Court's decisions.

Article 35
Publication of judgments and orders

1. The Court's decisions shall be published in the *Official Journal of the Italian Republic*. When they concern an act of a Region or Province, they shall also be published in the *Official Bulletin* of the relevant Region.

Article 36
Correction of omissions or clerical errors in judgments and orders

1. After notifying the parties to the case and the interveners, the Court shall correct, in chambers and by order, even of its own motion, any omission or clerical error found in its judgments and orders.

2. The correction order shall be noted on the original copy of the corrected judgment or order.

3. In the case of judgments declaring an act of Parliament or an act having the force of law to be unconstitutional, the correcting order shall be governed by Article 30, paragraphs 1 and 2, of Law No 87 of 11 March 11 1953.

Article 37
Collection of judgments and orders of the Constitutional Court

1. The judgments and orders of the Constitutional Court shall be numbered consecutively by year and shall be published, under the supervision of a Judge appointed by the Court, in the *Collection of Judgments and Orders of the Constitutional Court*.

Article 38

Acquisition of documents, service and communications by alternative means

1. The President may authorise the acquisition of documents sent by means other than those provided for by the decree under Article 39 and may authorise the same also for the service and notifications under Article 8.

Article 39

Technical rules on digital means in constitutional proceedings

1. The digital means referred to in these Supplementary Rules shall be regulated by decree of the President, subject to the Court's decision. The decree shall be published in the *Official Journal of the Italian Republic*.

Article 40

Entry into force

1. These Supplementary Rules shall enter into force thirty days after their publication in the *Official Journal of the Italian Republic* and shall apply to proceedings initiated with a referral order or an application filed with the Registry of the Court on or after that date.

Rome, 2 July 2021

THE PRESIDENT OF THE COURT

GIANCARLO CORAGGIO



CONSTITUTIONAL COURT OF THE ITALIAN REPUBLIC