



# THE CONSTITUTION OF THE REPUBLIC OF ITALY



30 NOVEMBER 2022



CHAMBER OF DEPUTIES

THE CONSTITUTION  
OF THE REPUBLIC  
OF ITALY



GENERAL SECRETARIAT  
30 NOVEMBER 2022

*Coordinated and revised by the Interpretation and Translation Unit  
of the Chamber of Deputies*

*Text as last amended on 30 November 2022*

ISBN 9788892004146

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Segreteria generale - Ufficio pubblicazioni  
e relazioni con il pubblico  
Rome, 2023

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# THE CONSTITUTION OF THE REPUBLIC OF ITALY

## THE PROVISIONAL HEAD OF STATE

HAVING REGARD to the decision of the Constituent Assembly, which at its sitting of 22 December 1947 approved the Constitution of the Republic of Italy;

HAVING REGARD to final provision XVIII of the Constitution;

### PROMULGATES

the Constitution of the Republic of Italy in the following text:

## FUNDAMENTAL PRINCIPLES

### ART. 1

Italy is a democratic Republic, founded on work.

Sovereignty belongs to the people and is exercised by the people in the forms and within the limits of the Constitution.

### ART. 2

The Republic recognises and guarantees the inviolable rights of the person, both as an individual and in the social groups within which human personality unfolds. The Republic requires that the absolute duties of political, economic and social solidarity be fulfilled.

### ART. 3

All citizens have equal social dignity and are equal before the law, regardless of sex, race, language, religion, political opinion or personal and social condition.

It is the duty of the Republic to remove the economic and social obstacles which, by restricting the freedom and equality of citizens, prevent the full development of the human person and the effective participation of all workers in the political, economic and social organisation of the country.

#### ART. 4

The Republic recognises the right of all citizens to work and shall promote such conditions as will make this right effective.

Every citizen has the duty, according to his or her capabilities and choice, to perform an activity or a function that contributes to the material or spiritual progress of society.

#### ART. 5

The Republic, one and indivisible, recognises and promotes local autonomies, and shall implement the fullest measure of administrative decentralisation in the services instituted by the State. The Republic shall adapt its principles and methods of legislation to the requirements of autonomy and decentralisation.

#### ART. 6

The Republic shall protect linguistic minorities by means of appropriate rules.

#### ART. 7

The State and the Catholic Church, each within its own sphere, are independent and sovereign.

Their relations are governed by the Lateran Pacts. Changes to the Pacts that are accepted by both parties shall not require a constitutional amendment.



## ART. 8

All religious confessions shall enjoy equal freedom before the law.

Religious confessions other than Catholicism shall have the right to organise themselves in accordance with their own statutes, provided that they are not in conflict with the Italian legal system.

Their relations with the State shall be regulated by law on the basis of agreements with their representatives.

## ART. 9

The Republic shall promote the development of culture and scientific and technical research.

It shall safeguard the landscape and the historical and artistic heritage of the Nation.

It shall protect the environment, biodiversity and ecosystems, also in the interest of future generations. State legislation shall regulate the modes and forms of protection of animals (\*).

## ART. 10

The Italian legal system shall conform to the generally recognised rules of international law.

The legal status of foreigners shall be regulated by law in conformity with international rules and treaties.

A foreigner who, in his or her own country, is denied the effective exercise of the democratic liberties enshrined in the Italian Constitution shall have the right of asylum within the territory of the Italian Republic, pursuant to the terms established by law.

(\*) Article 3 of Constitutional Law No. 1 of 11 February 2022 has provided for the following:

“1. The State law regulating the modes and forms of the protection of animals, as referred to in article 9 of the Constitution and as amended by article 1 of this constitutional law, applies to the special statute Regions and the autonomous Provinces of Trento and Bolzano within the limits of the legislative powers attributed to them by their statutes.”

The extradition of a foreigner for political offences is not admissible (\*).

#### ART. 11

Italy repudiates war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes; it shall agree, on equal conditions with other States, to the limitations of sovereignty that may be necessary for a world order ensuring peace and justice among Nations; it shall promote and encourage international organisations pursuing such ends.

#### ART. 12

The flag of the Republic is the Italian tricolour: green, white and red, in three vertical bands of equal size.

### PART I RIGHTS AND DUTIES OF CITIZENS

#### TITLE I CIVIL RELATIONS

#### ART. 13

Personal liberty is inviolable.

No form of detention, inspection or personal search nor any other restriction of personal liberty is admissible, except by a reasoned measure issued by a judicial authority, and only in the cases and the manner provided for by law.

In exceptional cases of necessity and urgency which are definitively set out by law, law-enforcement author-

(\*) Constitutional Law No. 1 of 21 June 1967 has provided that the final paragraph of article 10 and the final paragraph of article 26 of the Constitution do not apply to the crimes of genocide.

ities may adopt temporary measures that must be communicated to a judicial authority within forty-eight hours. Should such measures not be confirmed by the judicial authority within the following forty-eight hours, they shall be revoked and deemed null and void.

Any act of physical and moral violence against a person subjected to restrictions of personal liberty shall be punished.

The law shall establish a maximum period for preventive detention.

#### ART. 14

The domicile is inviolable.

It shall not be subject to inspections, searches or seizures except in the cases and in the manner established by law and in accordance with the guarantees prescribed for the protection of personal liberty.

Checks and inspections for reasons of public health and safety or for economic and tax-related purposes shall be regulated by specific laws.

#### ART. 15

The freedom and privacy of correspondence and of every other form of communication are inviolable.

Restrictions thereof may be imposed only by a reasoned measure issued by a judicial authority in accordance with the guarantees established by law.

#### ART. 16

Every citizen may move or sojourn freely within any part of the national territory, except for such general limitations as may be established by law for reasons of health or security. No restrictions may be imposed for political reasons.

Every citizen shall be free to leave and re-enter the territory of the Republic of Italy, subject to any obligations established by law.

#### ART. 17

Citizens have the right to assemble peaceably and without arms.

No prior notice shall be required for meetings, including those held in places open to the public.

In the case of meetings held in public places, prior notice shall be given to the authorities, who may prohibit them only for well-founded reasons of security or public safety.

#### ART. 18

Citizens have the right to form associations freely, without requiring any authorisation, for aims that are not forbidden to individuals by criminal law.

Secret associations and associations that, even indirectly, pursue political goals by means of organisations of a military nature, are prohibited.

#### ART. 19

Every person has the right to freely profess his or her religious faith in any form, either alone or in association with others, to propagate it and to worship in private or in public, provided that its rites are not contrary to accepted principles of morality.

#### ART. 20

The ecclesiastical nature or the religious or devotional purpose of an association or an institution cannot be grounds for special legislative restrictions or tax burdens in regard of its establishment, legal capacity or any form of activity.

## ART. 21

Every person has the right to freely express his or her thought in speech, in writing and through any other means of circulation.

The press may not be subjected to any authorisation or censorship.

Seizure shall be permitted only on the basis of a reasoned measure issued by a judicial authority in the case of offences for which such seizure is explicitly authorised by the law governing the press, or in the case of violation of its provisions concerning the indication of the identities of those holding responsibility for the publication.

In such cases, when there is a situation of absolute urgency and when prompt intervention of a judicial authority is not possible, periodical publications may be seized by judicial police officers, who must immediately, or within twenty-four hours at the latest, report the matter to the judicial authority. If the judicial authority does not confirm the seizure order within the following twenty-four hours, the latter shall be revoked and deemed null and void.

The law may introduce general rules requiring the disclosure of the sources of funding of the periodical press.

Printed publications, public performances and any other events infringing accepted principles of morality are prohibited. The law shall provide for appropriate measures to prevent and suppress all violations.

## ART. 22

No one may be deprived of his or her legal capacity, citizenship or name for political reasons.

## ART. 23

No obligations of a personal or a financial nature may be imposed except by law.

## ART. 24

Every person is entitled to take legal action to protect his or her rights or legitimate interests.

The right to defence is inviolable at every stage and instance of legal proceedings.

Appropriate legal institutions shall be introduced to ensure that the indigent shall have the means for legal action and defence before all courts.

The law shall establish the conditions and means of redress of judicial errors.

## ART. 25

No one may be removed from the jurisdiction of the natural judge pre-established by law.

No one may be punished except on the basis of a law already in force at the time the offence is committed.

No one may be subjected to restrictive measures except for those cases provided for by law.

## ART. 26

The extradition of a citizen shall only be permitted in the cases expressly provided for by international conventions.

In no case shall it be admissible for political offences (\*).

## ART. 27

Criminal liability is personal.

No defendant shall be considered guilty until final conviction.

Punishment may not consist in inhuman treatment and shall be aimed at the rehabilitation of the convicted person.

The death penalty is not admitted.

(\*) Constitutional Law No. 1 of 21 June 1967 has provided that the final paragraph of article 10 and the final paragraph of article 26 of the Constitution do not apply to the crimes of genocide.

## ART. 28

Officials and employees of the State and of public entities shall be directly liable, under criminal, civil and administrative law, for acts performed in violation of rights. In such cases, civil liability shall extend to the State and the public entities.

## TITLE II

## ETHICAL AND SOCIAL RELATIONS

## ART. 29

The Republic recognises the rights of the family as a natural society founded on matrimony.

Matrimony shall be regulated on the basis of the moral and legal equality of the spouses within the limits laid down by law to ensure the unity of the family.

## ART. 30

Parents have the duty and the right to support, educate and bring up their children, even if they are born out of wedlock.

In the case of incapacity of the parents, the law shall provide for the fulfilment of their duties.

The law shall ensure to children born out of wedlock every form of legal and social protection which is compatible with the rights of the members of the legitimate family.

The law shall lay down the rules and limitations for the determination of paternity.

## ART. 31

The Republic shall facilitate the formation of families and the fulfilment of their duties through economic measures and other benefits, with special regard to large families.

The Republic shall protect mothers, children and the young by promoting legal institutions to that effect.

## ART. 32

The Republic shall safeguard health as a fundamental right of the individual and a collective interest and shall ensure free medical care for the indigent.

No one may be forced to undergo any medical treatment except by law. In no case may the law violate the limits imposed by respect for the human person.

## ART. 33

The arts and sciences are free, as is their teaching.

The Republic shall lay down general rules for education and shall establish state schools for all branches and levels of education.

Entities and individuals shall have the right, at no cost to the State, to establish schools and educational institutions.

The law, when setting out the rights and obligations for non-state schools seeking equivalent status with state schools, shall ensure their full freedom and afford their pupils educational conditions equivalent to those of pupils in state schools.

A state examination shall be prescribed for admission to and graduation from the various branches and levels of education and for qualification to exercise a profession.

Institutions of higher learning, universities and academies, shall have the right to adopt autonomous by-laws within the limits laid down by the laws of the State.



## ART. 34

Education shall be open to all.

Basic education, which is imparted for at least eight years, shall be compulsory and free.

Capable and deserving pupils, even if without means, shall have the right to attain the highest levels of education.

The Republic shall make this right effective through grants and scholarships, family allowances and other benefits, which shall be assigned through competitive examinations.

## TITLE III

## ECONOMIC RELATIONS

## ART. 35

The Republic shall protect work in all its forms and practices.

It shall attend to the training and professional advancement of workers.

It shall promote and foster international agreements and organisations which have the aim of affirming and regulating labour rights.

It recognises the freedom to emigrate, subject to the obligations provided for by law in the public interest, and shall protect Italian workers abroad.

## ART. 36

Workers have the right to a remuneration commensurate to the quantity and quality of their work and in all circumstances sufficient to ensure them and their families a free and decent livelihood.

The maximum length of the working day shall be established by law.

Workers have the right to a weekly rest period and paid annual holidays, and may not waive this right.

#### ART. 37

Working women have the same rights and are entitled to equal remuneration for equal work as working men. Working conditions must allow women to fulfil their essential role in the family and ensure special and appropriate protection for mothers and children.

The law shall establish the minimum age for paid work.

The Republic shall protect the work of minors by means of specific rules and shall guarantee them the right to equal remuneration for equal work.

#### ART. 38

Every citizen incapable of working and without the means for his or her livelihood is entitled to social maintenance and assistance.

Workers have the right to have adequate means for their living requirements provided for and ensured in cases of accident, illness, disability, old age and involuntary unemployment.

Persons with disabilities or handicaps have the right to education and inclusion in the workplace.

The tasks laid down in this article shall be performed by bodies and institutions established or supported in their action by the State.

Private-sector assistance may be freely provided.

#### ART. 39

The organisation of trade unions shall be free.

Trade unions shall be subject to no obligations other than registration at local or central offices, in accordance with the law.

A required condition for such registration shall be that the internal organisation of trade unions, as enshrined in their statutes, be founded on a democratic basis.

Registered trade unions shall have legal personality. They may, jointly represented in proportion to their membership, enter into collective labour agreements that shall have binding force upon all those belonging to the categories covered by the said agreements.

#### ART. 40

The right to strike shall be exercised within the scope of the laws regulating it.

#### ART. 41

Private economic enterprise is free.

It may not be undertaken in conflict with social utility or in such a way as to harm health, the environment, safety, liberty and human dignity.

The law shall provide for appropriate programmes and checks so that public and private economic activity may be oriented and co-ordinated for social and environmental purposes.

#### ART. 42

The ownership of property is public or private. Economic assets belong to the State, to entities or to individuals.

Private property shall be recognised and guaranteed by the law, which shall define the ways in which it may be acquired and enjoyed, as well as any relevant limitations, so as to ensure its social function and make it accessible to all.

Private property, in the cases provided for by the law and subject to compensation, may be expropriated for reasons of public interest.

The law shall lay down the rules and limitations on legitimate and testamentary succession and the rights of the State in matters of inheritance.

#### ART. 43

For purposes of general utility, the law may establish that specific enterprises or categories of enterprises, related to essential public services, energy sources or monopoly situations and of overriding general interest, be reserved *ex ante* or transferred, by means of expropriation and subject to compensation, to the State, to public entities, or to workers' or users' associations.

#### ART. 44

For the purpose of ensuring the rational utilisation of land and establishing equitable social relations, the law shall impose obligations and restrictions on the private ownership of land; set limitations on the size of land holdings depending on regions and agricultural zones; foster and enforce land reclamation, the conversion of *latifundia* and the reorganisation of farm units; provide assistance to small and medium-sized holdings.

The law shall make provisions in favour of mountain areas.

#### ART. 45

The Republic recognises the social function of co-operative enterprise based on mutualist principles and without purposes of private speculation. The law shall promote and encourage its growth through appropriate means and ensure its nature and purposes through appropriate checks.

The law shall provide for the protection and development of the artisanal sector.

## ART. 46

For the purpose of the economic and social advancement of labour and in harmony with the requirements of production, the Republic recognises the rights of workers to collaborate in the management of enterprises, in the ways and within the limits established by law.

## ART. 47

The Republic shall foster and protect savings in all forms. It shall regulate, co-ordinate and oversee the operation of credit.

The Republic shall facilitate access of small savers to home ownership, the ownership of directly farmed land, as well as direct and indirect investment in the equity of the major production complexes of the country.

TITLE IV  
POLITICAL RELATIONS

## ART. 48

All citizens, men and women, who have attained the age of majority, are entitled to vote.

The vote is personal and equal, free and secret. The exercise of the vote is a civic duty.

The law shall lay down the requirements and procedures for the exercise of the right to vote by citizens residing abroad and shall ensure its effectiveness. To this end, for the election of the Houses of Parliament, there shall be established an Overseas Constituency which will be allocated seats in the number set forth by a constitutional provision and in accordance with criteria determined by law.

The right to vote cannot be restricted except for civil incapacity or by reason of an irrevocable criminal sentence or in cases of moral unworthiness specified by law.

## ART. 49

All citizens have the right to associate freely in parties so as to contribute by democratic methods to the determination of national policy.

## ART. 50

All citizens may address petitions to the Houses of Parliament to request legislative measures or to set out common needs.

## ART. 51

All citizens of either sex are eligible for public and elected offices on equal conditions, in accordance with the requirements established by law. To this end, the Republic shall promote equal opportunities between women and men by means of specific measures.

The law may grant Italians who do not belong to the Republic the same status as citizens with regard to eligibility for public and elected offices.

Any person elected to public office is entitled to the time needed for the performance thereof and to retain previously held employment.

## ART. 52

The defence of the homeland is a sacred duty for every citizen.

Military service shall be compulsory within the limits and in the manner set out by law. Performance of military service shall not prejudice a citizen's employment status, nor the exercise of his or her political rights.

The organisation of the armed forces shall be informed by the democratic spirit of the Republic.

## ART. 53

Every person shall contribute to public expenditure according to his or her ability to pay tax.

The taxation system shall be informed by principles of progressivity.

ART. 54

All citizens owe allegiance to the Republic and shall abide by its Constitution and its laws.

Citizens who are entrusted with public functions have the duty to fulfil them with discipline and honour and shall take an oath in the cases established by law.

PART II

**THE ORGANISATION OF THE REPUBLIC**

TITLE I

PARLIAMENT

SECTION I

*The Houses*

ART. 55

Parliament consists of the Chamber of Deputies and the Senate of the Republic.

Parliament shall assemble in a joint session of the members of both Houses only in such cases as laid down by the Constitution.

ART. 56

The Chamber of Deputies shall be elected by universal and direct suffrage.

The number of Deputies shall be four hundred, eight of whom shall be elected in the Overseas Constituency. All voters who have attained the age of twenty-five by election day shall be eligible for election to the Chamber of Deputies.

Except for those allocated to the Overseas Constituency, seats shall be apportioned among the electoral constituencies by dividing the number of inhabitants of the Republic, according to the most recent general census, by three hundred and ninety-two and distributing the seats in proportion to the population of each constituency on the basis of quotients and highest remainders.

#### ART. 57

The Senate of the Republic shall be elected on a regional basis, except for the seats allocated to the Overseas Constituency.

The number of elected Senators shall be two hundred, four of whom shall be elected in the Overseas Constituency.

No Region or autonomous Province may have fewer than three Senators; Molise shall have two, Valle d'Aosta one.

Except for those allocated to the Overseas Constituency, seats shall be apportioned among the Regions and autonomous Provinces, subject to the provisions of the preceding paragraph, in proportion to their population according to the most recent general census, on the basis of quotients and highest remainders.

#### ART. 58

Senators shall be elected by universal and direct suffrage by voters who are over twenty-five years of age.



Voters who have attained the age of forty shall be eligible for election to the Senate.

ART. 59

Former Presidents of the Republic shall be Senators by right and for life unless they decline the office.

The President of the Republic may appoint as Senators for life five citizens who have brought honour to the Nation because of outstanding merit in the social, scientific, artistic or literary fields. The overall number of Senators in office appointed by the President of the Republic may in no case be greater than five.

ART. 60

The Chamber of Deputies and the Senate of the Republic shall be elected for five years.

The term of each House may not be extended, except by law and only in the case of war.

ART. 61

Elections for the new Houses shall take place within seventy days from the end of the term of the previous Houses. The first meeting shall be held no later than twenty days after the elections.

The powers of the previous Houses shall be extended until the new Houses convene.

ART. 62

The Houses shall meet by right on the first working day of February and October.

Each House may be convened for an extraordinary sitting on the initiative of its President or the President of the Republic or a third of its members.

When one House meets in an extraordinary sitting, the other House shall be convened by right.

## ART. 63

Each House shall elect its President and Bureau from among its members.

When Parliament meets in joint session, the President and the Bureau shall be those of the Chamber of Deputies.

## ART. 64

Each House shall adopt its own Rules of Procedure by an absolute majority of its members.

Sittings shall be public; however, each of the Houses or Parliament in joint session may decide to meet in a secret sitting.

The decisions of each House and of Parliament shall not be valid unless a majority of the members is present and unless the said decisions are adopted by a majority of those present, except when the Constitution requires a special majority.

Members of the Government, even if they are not members of the Houses, shall have the right, and, when requested to be present, the obligation to attend sittings. They shall be heard every time they so request.

## ART. 65

The law shall determine those cases entailing ineligibility and incompatibility with the office of Deputy or Senator.

No one may be a member of both Houses at the same time.

## ART. 66

Each House shall verify the credentials of its members and decide on any causes of ineligibility and incompatibility that may arise at a later stage.

## ART. 67

Each Member of Parliament represents the Nation and shall discharge his or her duties without being subject to a binding mandate.

## ART. 68

Members of Parliament may not be held liable for opinions expressed or votes cast in the discharge of their duties.

Without the authorisation of the House to which he or she belongs, no Member of Parliament may be subjected to personal or home search, nor be arrested or otherwise deprived of personal freedom, nor held in detention, except in execution of an irrevocable sentence of conviction, or if found committing an offence for which arrest in flagrante delicto is mandatory.

Such authorisation is also required in order to subject Members of Parliament to any form of interception of their conversations and communications or seizure of their correspondence.

## ART. 69

Members of Parliament shall receive an allowance established by law.

## SECTION II

*The making of laws*

## ART. 70

The legislative function is exercised collectively by both Houses.

## ART. 71

The right of legislative initiative belongs to the Government, to each member of the Houses and to such

bodies and entities as shall be so empowered by a constitutional law.

The people may initiate legislation through the submission, by at least fifty-thousand voters, of a bill drafted in articles.

#### ART. 72

Every bill introduced in either of the Houses shall be considered, in accordance with its Rules of Procedure, by a Committee and then by the House itself, which shall vote on its approval article by article and with a final vote.

The Rules of Procedure shall establish expedited procedures for bills that have been declared urgent.

They may also establish the cases and the manner in which a bill shall be referred for consideration and approval to a Committee, including a Standing Committee, the composition of which shall reflect the proportion of the Parliamentary Groups. This notwithstanding, until the moment of its final approval, the bill shall be referred back to the House if the Government or one-tenth of the members of the House or one-fifth of the Committee request that it be debated and voted upon by the House itself or that it be submitted to the House for final approval, allowing only explanations of vote. The Rules of Procedure shall establish appropriate forms of publicity for Committee proceedings.

The ordinary procedure for consideration and direct approval by the House shall always be followed in the case of bills on constitutional and electoral matters or those delegating legislative powers, authorising the ratification of international treaties or approving budgets and accounts.

## ART. 73

Laws shall be promulgated by the President of the Republic within one month of their approval.

If the Houses, each by an absolute majority of its members, declare a law to be urgent, the law shall be promulgated within the deadline set therein.

Laws shall be published immediately after promulgation and shall come into force on the fifteenth day following publication, unless the laws themselves set a different deadline.

## ART. 74

The President of the Republic, before promulgating a law, may, with a reasoned message to the Houses, request that they deliberate again.

If the Houses approve it again, the law must be promulgated.

## ART. 75

A popular referendum shall be called to decide on the complete or partial abrogation of a law or a measure having the force of law, when so requested by five hundred thousand voters or five Regional Councils.

A referendum shall not be admissible in the case of laws on taxes and budgets, amnesties and pardons, or laws authorising the ratification of international treaties.

All citizens eligible to vote for the Chamber of Deputies shall have the right to take part in a referendum.

The proposal submitted to a referendum shall be approved if a majority of those eligible to vote has taken part in the ballot and if it receives a majority of valid votes cast.

The procedures for conducting a referendum shall be established by law.

## ART. 76

The exercise of the legislative function may not be delegated to the Government unless guiding principles and criteria have been established and only for a limited period of time and clearly defined matters.

## ART. 77

The Government may not, without delegated powers from the Houses, issue decrees having the force of ordinary law.

When in extraordinary cases of necessity and urgency the Government adopts under its own responsibility provisional measures having the force of law, it must on the same day submit them for enactment to the Houses, which, if dissolved, shall be convened for this purpose and meet within five days.

The aforesaid decrees shall lose effect from their inception if they are not enacted into law within sixty days from their publication. The Houses may, however, regulate by law any legal relationships arising from decrees that have not been enacted into law.

## ART. 78

The Houses shall decide on declaring a state of war and confer the required powers on the Government.

## ART. 79

Amnesties and pardons shall be granted by laws approved by a two-thirds majority of the members of each House for each article and in the final vote.

A law granting an amnesty or pardon shall set a deadline for their implementation.

Amnesties and pardons shall in no case be applicable to offences committed after the relevant bill has been introduced.

ART. 80

The Houses shall authorise by law the ratification of international treaties of a political nature, or which provide for arbitration or legal settlements, or entail changes to the national territory, financial burdens or legislative amendments.

ART. 81

The State shall balance revenue and expenditure in its budget, taking account of the adverse and the favourable phases of the economic cycle.

No recourse shall be made to borrowing except for the purpose of taking account of the effects of the economic cycle or in exceptional circumstances and subject to authorisation from the Houses by an absolute majority of their respective members.

Any law involving new or increased expenditure shall provide for the resources to cover such expenditure.

Each year the Houses shall pass a law to approve the budget and the accounts submitted by the Government.

Provisional implementation of the budget shall not be allowed except by law and only for periods not exceeding four months in total.

The content of the budget law, the fundamental rules and the criteria designed to ensure a balance between revenue and expenditure as well as the sustainability of general government debt shall be established by a law approved by an absolute majority of the members of

each House in compliance with the principles established by a constitutional law (\*).

## ART. 82

Each House may initiate inquiries into matters of public concern.

For this purpose, it shall appoint from among its members a Committee so composed as to reflect the proportion of the Parliamentary Groups. Such Committees of Inquiry shall conduct their work of investigation and examination with the same powers and the same limitations as a judicial authority.

(\*) Article 5 of Constitutional Law No. 1 of 20 April 2012 has provided for the following:

“1. The law referred to in article 81, paragraph 6, of the Constitution, as replaced by article 1 of this constitutional law, regulates the following, with respect to general government entities, notably:

- a)* ex-ante checks and ex-post audits of the performance of public finance;
- b)* examination of the reasons for deviations from budget forecasts, distinguishing between those due to the effects of the economic cycle and those due to the ineffectiveness of measures taken and to exceptional circumstances;
- c)* the maximum limit of cyclically adjusted cumulative negative deviations as indicated under letter b) of this paragraph with respect to gross domestic product beyond which it is necessary to intervene with corrective measures;
- d)* the definition of severe economic recessions, financial crises and serious natural disasters as exceptional circumstances, pursuant to article 81, paragraph 2, of the Constitution as replaced by article 1 of this constitutional law, which, when they occur, allow debt to be incurred beyond the level sufficient to take into account the effects of the economic cycle and the maximum limit set out under letter c) of this paragraph, subject to a recovery plan;
- e)* the introduction of rules on expenditure to ensure balanced budgets and reduce the ratio between public debt and gross domestic product in the long term, in a manner consistent with fiscal policy goals;
- f)* the establishment within the Houses of Parliament, subject to their constitutional autonomy, of an independent body entrusted with analysing and monitoring the performance of public finance and assessing compliance with budgetary rules;
- g)* the ways in which the State, in adverse phases of the economic cycle or in the case of exceptional circumstances as set out under letter d) of this paragraph, also by derogation from article 119 of the Constitution, contributes to ensuring the funding, by the other levels of government, of the essential levels of fundamental benefits and functions relating to civil and social entitlements.

2. The law referred to in paragraph 1 also regulates:

- a)* the content of the State budget law;



TITLE II  
THE PRESIDENT OF THE REPUBLIC

ART. 83

The President of the Republic shall be elected by Parliament in a joint sitting of its members.

Three delegates from each Region, elected by the Regional Councils in such a manner as to ensure the representation of minorities, shall participate in the election. Valle d'Aosta shall only have one delegate.

The President of the Republic shall be elected by secret ballot with a majority of two thirds of the assembled body. After the third ballot an absolute majority shall suffice.

ART. 84

Any citizen who has attained fifty years of age and enjoys civil and political rights can be elected President of the Republic.

The office of President of the Republic is incompatible with any other office.

The allowance and endowments of the President shall be established by law.

*b)* the power of Municipalities, Provinces, Metropolitan Cities, Regions and the autonomous provinces of Trento and Bolzano, to incur debt, pursuant to article 119, paragraph 6, second sentence, of the Constitution, as amended by article 4 of this constitutional law;

*c)* the ways in which Municipalities, Provinces, Metropolitan Cities, Regions and the autonomous provinces of Trento and Bolzano shall contribute to the sustainability of general government debt.

3. The law referred to in paragraphs 1 and 2 shall be approved by 28 February 2013.

4. The Houses, in accordance with their Rules of Procedure, shall exercise a function of oversight over public finance with special reference to ensuring a balance between revenue and expenditure as well as the quality and effectiveness of the outlays of public administration entities.”

## ART. 85

The President of the Republic shall be elected for seven years.

Thirty days before the expiration of the term, the President of the Chamber of Deputies shall convene a joint sitting of Parliament and the regional delegates to elect a new President of the Republic.

If the Houses are dissolved, or if less than three months remain before the end of their term, the election shall take place within fifteen days after the meeting of the new Houses. In the intervening time, the powers of the incumbent President shall be extended.

## ART. 86

The functions of the President of the Republic, in all cases in which he or she is unable to perform them, shall be exercised by the President of the Senate.

In the case of permanent incapacity, death or resignation of the President of the Republic, the President of the Chamber of Deputies shall call the election of a new President of the Republic within fifteen days, except in the case of the longer term which applies when the Houses are dissolved or if less than three months remain before the end of their term.

## ART. 87

The President of the Republic is the Head of the State and represents national unity.

The President may send messages to the Houses.

The President shall call the elections of the new Houses and set the date of their first meeting.

The President shall authorise the introduction of government bills in the Houses.

The President shall promulgate laws and issue decrees having the force of law as well as regulations.

The President shall call a popular referendum in the cases provided for by the Constitution.

The President shall appoint State officials in the cases provided for by law.

The President shall accredit and receive diplomatic representatives, and ratify international treaties, following authorisation by the Houses when required.

The President shall command the armed forces, preside over the Supreme Council of Defence established pursuant to the law, and declare a state of war decided by the Houses.

The President shall preside over the High Council of the Judiciary.

The President may grant pardons and commute punishments.

The President shall confer the honorary distinctions of the Republic.

#### ART. 88

The President of the Republic may, after having heard their Presiding Officers, dissolve both or only one of the Houses of Parliament.

The President of the Republic may not exercise this power during the final six months of his or her term of office, unless the said period overlaps in full or in part with the last six months of Parliament.

#### ART. 89

No act of the President of the Republic shall be valid unless countersigned by the proposing Ministers, who assume the responsibility therefor.

Acts having the force of law and other acts specified by law shall also be countersigned by the President of the Council of Ministers.

## ART. 90

The President of the Republic shall not be liable for actions performed in the discharge of his or her duties, except in the case of high treason or an attempt to overthrow the Constitution.

In such cases, the President may be impeached by Parliament in joint session with an absolute majority of its members.

## ART. 91

The President of the Republic shall, before taking office, take an oath of allegiance to the Republic and loyalty to the Constitution before Parliament in joint session.

TITLE III  
THE GOVERNMENT

SECTION I  
*The Council of Ministers*

## ART. 92

The Government of the Republic shall be composed of the President of the Council and the Ministers, who together form the Council of Ministers.

The President of the Republic shall appoint the President of the Council of Ministers and, on his or her proposal, the Ministers.

## ART. 93

The President of the Council of Ministers and the Ministers shall, before taking office, be sworn in by the President of the Republic.

## ART. 94

The Government must have the confidence of both Houses.

Each House shall grant or withdraw its confidence through a reasoned motion to be voted on by roll call.

Within ten days of being formed, the Government shall go before the Houses to seek their confidence.

A vote by one or both Houses to reject a Government proposal shall not entail an obligation for the Government to resign.

A motion of no-confidence must be signed by at least one-tenth of the members of a House and may be debated no earlier than three days after having been laid before it.

## ART. 95

The President of the Council of Ministers shall direct and hold responsibility for the general policy of the Government. He or she shall ensure consistency in policies and administration by fostering and co-ordinating the activities of Ministers.

The Ministers shall be collectively responsible for the acts of the Council of Ministers and individually responsible for the acts of their own Ministries.

The organisation of the Office of the President of the Council as well as the number, the responsibilities and the organisation of the Ministries shall be established by law.

## ART. 96

The President of the Council of Ministers and the Ministers, even after ceasing to hold office, shall be subject to the jurisdiction of ordinary courts for any offences committed in the exercise of their functions, following authorisation by the Senate of the Republic or the Chamber of Deputies, in accordance with the rules established by a constitutional law.

## SECTION II

*Public Administration*

## ART. 97

Public administration entities shall ensure balanced budgets and the sustainability of the public debt, in accordance with European Union law.

The organization of public-sector offices shall be regulated by law in such a way as to ensure the effective operation and impartiality of the administrative apparatus.

The rules governing the organisation of such offices shall specify areas of competence, duties and responsibilities of their officials.

Access to employment in public administration entities shall be through competitive examination, except in those cases established by law.

## ART. 98

Public employees are at the exclusive service of the Nation.

If they are Members of Parliament, they may be promoted only on the basis of seniority.

The law may set limitations on the right to join a political party for members of the Judiciary, career military staff in active service, law enforcement officers and overseas diplomatic and consular representatives.

## SECTION III

*Auxiliary bodies*

## ART. 99

The National Council for the Economy and Labour shall be composed of experts and representatives of economic activities as specified by law, in such a manner

as to reflect the size and qualitative importance of such activities.

It shall act as a consultative body for the Houses of Parliament and the Government on the matters and with the functions assigned to it by law.

It has the right to initiate legislation and may contribute to the drafting of economic and social legislation according to the principles and within the limits set by law.

#### ART. 100

The Council of State shall act as a consultative body on matters of administrative law and as a judicial guarantee in regard of administrative action.

The Court of Auditors shall perform an *ex ante* review of the lawfulness of Government acts and an *ex post* audit of the management of the State budget. It shall, in the cases and forms established by law, participate in the auditing of the financial management of those entities receiving regular contributions from the State. It shall report directly to the Houses of Parliament on the findings of its audits.

The law shall ensure the independence of the two institutions and their members from the Government.

### TITLE IV THE JUDICIARY

#### SECTION I *The organisation of the Judiciary*

#### ART. 101

Justice shall be administered in the name of the people. Judges shall be subject only to the law.

## ART. 102

The judicial function shall be exercised by ordinary members of the Judiciary appointed in accordance with and subject to the rules governing the organisation of the Judiciary.

No extraordinary or special courts may be established. It shall only be possible, within ordinary judicial bodies and for specific matters, to institute specialised sections open to the participation of eligible citizens from outside the Judiciary.

The law shall regulate the cases and forms of direct participation by the people in the administration of justice.

## ART. 103

The Council of State and the other bodies of administrative justice shall have jurisdiction for the protection, versus the public administration, of legitimate interests and also, in specific matters determined by law, of subjective rights.

The Court of Auditors shall have jurisdiction in matters of public accounting and in other matters specified by law.

Military tribunals in time of war shall have such jurisdiction as established by law. In time of peace they shall only have jurisdiction for military offences committed by members of the armed forces.

## ART. 104

The Judiciary is autonomous and independent of all other powers.

The High Council of the Judiciary shall be presided over by the President of the Republic.



The First President and the Prosecutor General of the Court of Cassation shall be *de jure* members of the High Council.

Two thirds of the other members shall be elected by all the ordinary members of the Judiciary from among their various categories, and one third of the members by Parliament in joint session from among full professors of law and lawyers having fifteen years of professional practice.

The Council shall elect a vice-president from among the members designated by Parliament.

Elected members of the Council shall remain in office for four years and may not be immediately re-elected.

Whilst in office, they may not belong to a professional register, nor serve in Parliament or on a Regional Council.

#### ART. 105

The High Council of the Judiciary shall, in accordance with the rules governing the organisation of the Judiciary, be responsible for recruitment, assignment, transfer, promotion and disciplinary measures in respect of the members of the Judiciary.

#### ART. 106

Members of the Judiciary shall be appointed by public competitive examination.

The law on the organisation of the Judiciary may provide for the appointment or election of honorary members of the Judiciary for the discharge of all the duties entrusted to individual judges.

The High Council of the Judiciary may, on account of outstanding merit, designate full professors of law and lawyers with at least fifteen years of practice and who are

enlisted in the special registers for the higher courts, to serve as councillors of the Court of Cassation.

#### ART. 107

Members of the Judiciary may not be removed from office. They may not be discharged, suspended from office or assigned to other judicial districts or functions unless by a decision of the High Council of the Judiciary, either for the reasons and with the defence guarantees provided by the rules on the organisation of the Judiciary or else with their consent.

The Minister of Justice shall have the power to initiate disciplinary action.

The only distinction between members of the Judiciary shall be in the functions they hold.

Public prosecutors shall enjoy the specific guarantees set out in the rules on the organisation of the Judiciary.

#### ART. 108

The rules on the organisation of the Judiciary and each of its branches shall be established by law.

The law shall ensure the independence of the judges serving on special courts, the public prosecutors attached thereto, and the citizens from outside the Judiciary who take part in the administration of justice.

#### ART. 109

The judicial authorities shall have immediate direction over the judicial police.

#### ART. 110

Without prejudice to the competencies of the High Council of the Judiciary, the Minister of Justice shall be responsible for the organisation and functioning of the services pertaining to justice.

## SECTION II

*Rules on the exercise of jurisdiction*

## ART. 111

Jurisdiction shall be exercised through due process of law.

All trials shall be conducted by means of adversarial proceedings between the parties, under equal conditions, before an impartial judge in a third-party position. The law shall ensure the reasonable duration of trials.

In criminal trials, the law shall ensure that persons accused of a crime be notified confidentially and within the shortest delay of the nature and reasons of the charges against them; that they be allowed the time and conditions needed to prepare their defence; that they have, before a judge, the right to examine persons testifying against them or have them examined, and to obtain that persons testifying for the defence be summoned and examined under the same conditions as the prosecution and that any other form of evidence in their favour be produced; and that they be assisted by an interpreter if they do not understand or speak the language of the trial.

In criminal trials, evidence shall be adduced in adversarial proceedings. The defendant may not be found guilty on the basis of statements by persons who, of their own free choice, have always deliberately refused to be examined by the defendant or the defence counsel.

The law shall regulate the cases in which evidence may be adduced forgoing adversarial proceedings, either with the consent of the defendant or due to established objective impossibility or proven illicit conduct.

All judicial measures shall include a statement of reasons.

Appeals to the Court of Cassation shall always be admissible, on grounds of breach of law, against judgments

or measures restraining personal liberty issued by ordinary or special courts. This rule may be waived only in the case of judgments issued by military tribunals in time of war.

Appeals to the Court of Cassation against decisions of the Council of State and the Court of Auditors shall be admissible only for reasons relating to jurisdiction.

#### ART. 112

The public prosecutor has an obligation to institute criminal proceedings.

#### ART. 113

The judicial protection of rights and legitimate interests may always be sought against acts of the public administration before ordinary or administrative judicial organs.

Such judicial protection may not be precluded or limited to specific legal remedies or categories of acts.

A law shall determine which judicial organs are empowered to annul acts of the public administration in the cases and with the effects provided for by the law itself.

### TITLE V

#### REGIONS, PROVINCES, MUNICIPALITIES

#### ART. 114

The Republic is constituted by the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State.

The Municipalities, Provinces, Metropolitan Cities and Regions are autonomous entities having their own statutes, powers and functions in accordance with the principles enshrined in the Constitution.

Rome is the capital of the Republic. Its status is regulated by State law.

ART. 115

*Repealed*

ART. 116

Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste enjoy specific forms and conditions of autonomy pursuant to their special statutes adopted by constitutional law.

The Trentino-Alto Adige/Südtirol Region consists of the autonomous Provinces of Trento and Bolzano.

Additional special forms and conditions of autonomy, relating to the matters set out in article 117, paragraph 3, and those set out in paragraph 2 of the same article under letter l), exclusively with respect to the organisation of the office of Justice of the Peace, and letters n) and s), may be attributed to other Regions by a State law, upon the initiative of the Region concerned, after consultation with the local authorities, in compliance with the principles set forth in article 119. The said law shall be approved by the Houses of Parliament by an absolute majority of their members, on the basis of an agreement between the State and the Region concerned.

ART. 117

Legislative authority is vested in the State and the Regions in accordance with the Constitution and with the conditions stemming from European Union law and international obligations.

The State shall have exclusive legislative authority in the following areas:

a) foreign policy and international relations of the State; relations between the State and the European

Union; right of asylum and legal status of citizens of States not belonging to the European Union;

*b)* immigration;

*c)* relations between the Republic and religious faiths;

*d)* defence and armed forces; State security; arms and weapons, ammunition and explosives;

*e)* the currency, protection of savings, financial markets; protection of competition; foreign exchange system; State taxation and accounting systems; harmonisation of public accounts; equalisation of financial resources;

*f)* State bodies and their electoral laws; national referenda; elections to the European Parliament;

*g)* legal and administrative organisation of the State and of national public entities;

*h)* public order and security, with the exception of local administrative police;

*i)* citizenship, civil status and registry offices;

*l)* jurisdiction and procedural law; civil and criminal law; administrative justice;

*m)* determination of the essential levels of benefits relating to civil and social entitlements that must be guaranteed throughout the national territory;

*n)* general rules regarding education;

*o)* social security;

*p)* electoral legislation, governing bodies and fundamental functions of Municipalities, Provinces and Metropolitan Cities;

*q)* customs, protection of national borders and international prophylaxis;

*r)* weights and measures; standard time; statistical and computerised co-ordination of information and data of State, regional and local administrations; works of the intellect;

*s)* protection of the environment, the ecosystem and cultural heritage.

The following matters are subject to concurrent legislation: international relations of the Regions and their relations with the European Union; foreign trade; protection and safety of labour; education, without prejudice to the autonomy of schools and excepting vocational education and training; professions; support of scientific and technological research and innovation in production sectors; health protection; food products; regulatory framework of sports; civil protection; land stewardship; civilian ports and airports; large transport and navigation networks; regulatory framework of communications; production, transport and distribution of energy at national level; complementary and supplementary social security; co-ordination of public finance and of the taxation system; enhancement of cultural and environmental assets, including the promotion and organisation of cultural activities; savings banks, rural banks, regional credit institutions; regional land and agricultural credit institutions. With regard to matters of concurrent legislation, legislative authority is vested in the Regions, except for the determination of fundamental principles, which is reserved for State legislation.

The Regions shall have legislative authority in all matters that are not expressly reserved for State legislation.

The Regions and the autonomous provinces of Trento and Bolzano shall participate in decisions related to the drafting of EU legislative acts in any matters falling within their competence and shall be responsible for the implementation and execution of international agreements and European Union acts, subject to procedural rules set out in State legislation regulating the exercise of substitution powers in the case of non-performance on their part.

The authority to issue regulations is vested in the State with respect to matters of exclusive legislation, except where delegated to the Regions. The authority to issue

regulations is vested in the Regions in all other matters. Municipalities, Provinces and Metropolitan Cities shall have the authority to issue regulations with respect to the organisation and performance of the functions attributed to them.

Regional laws shall remove any hindrance to the full equality of men and women in social, cultural and economic life and shall promote equal access to elected offices for women and men.

Understandings between a Region and other Regions intended to improve the performance of regional functions, including by means of the establishment of joint bodies if appropriate, shall be ratified by regional law.

In matters falling within their competence, Regions may enter into agreements with foreign States and understandings with local authorities of other States in the cases and in the forms laid down by State legislation.

#### ART. 118

Administrative functions shall be attributed to the Municipalities, except for those cases where, in order to ensure they are uniformly exercised, they shall be conferred on Provinces, Metropolitan Cities and Regions or the State, pursuant to the principles of subsidiarity, differentiation and adequacy.

Municipalities, Provinces and Metropolitan Cities hold inherent administrative functions as well as those conferred upon them by means of legislation of the State or of the Regions, in accordance with their respective competences.

State legislation shall provide for forms of coordination between the State and the Regions in the matters specified in article 117, paragraph 2, letters b) and h) and also provide for forms of agreement and coordination with respect to the protection of cultural heritage.



The State, the Regions, the Metropolitan Cities, the Provinces and the Municipalities shall facilitate the autonomous initiative of citizens who, either individually or in association with others, undertake activities of general interest, on the basis of the principle of subsidiarity.

#### ART. 119

Municipalities, Provinces, Metropolitan cities and Regions shall have fiscal autonomy with respect to revenue and expenditure, subject to the balanced-budget principle, and contribute to ensuring compliance with the economic and fiscal constraints stemming from European Union law.

Municipalities, Provinces, Metropolitan Cities and Regions shall have autonomous resources. They may set and levy their own taxes and revenues, in harmony with the Constitution and according to the principles of coordination of public finance and the tax system. They shall share in the revenues from State taxes attributable to their territories.

State legislation shall establish an equalisation fund – with no constraints on allocation – for the benefit of territories having lower per-capita fiscal capacity.

Revenues raised from the sources referred to in the previous paragraphs shall enable Municipalities, Provinces, Metropolitan Cities and Regions to fully finance the public functions attributed to them.

In order to promote economic development, social cohesion and solidarity, eliminate economic and social imbalances, foster the effective exercise of the rights of the person and pursue goals other than those pertaining to the exercise of their ordinary functions, the State shall allocate supplementary resources and adopt special measures in favour of specific Municipalities, Provinces, Metropolitan Cities and Regions.

The Republic recognises the distinctiveness of its islands and shall promote the necessary measures to eliminate the disadvantages associated with insularity.

Municipalities, Provinces, Metropolitan Cities and Regions shall be endowed with their own assets, allocated to them pursuant to the general principles laid down in State legislation. They may have recourse to borrowing only as a means of financing investment expenditure, with the concomitant adoption of amortisation plans and subject to the condition that a balanced budget be ensured for all authorities within each Region, considered as an aggregate. State guarantees on loans contracted by such authorities shall not be admissible.

#### ART. 120

The Regions may not levy import, export or transit duties between Regions, or adopt measures that in any way hinder the freedom of movement of persons or goods between Regions, or limit the right of citizens to work in any part of the national territory.

The Government may exercise its powers of substitution in the case that organs of the Regions, Metropolitan Cities, Provinces and Municipalities fail to abide by international rules and treaties or European Union legislation, or in the case of grave danger for public safety and security, or whenever required in order to safeguard legal or economic unity and in particular the essential level of benefits relating to civil and social entitlements, irrespective of the territorial boundaries of local governments.

The law shall determine such procedures as to ensure that the power of substitution is exercised in compliance with the principles of subsidiarity and loyal co-operation.

#### ART. 121

The organs of the Regions are: the Regional Council, the Regional Board and its President.

The Regional Council shall exercise the legislative powers attributed to the Region as well as the other functions conferred on it by the Constitution or by an Act of Parliament. It may submit bills to the Houses of Parliament.

The Regional Board is the executive body of the Region.

The President of the Regional Board shall represent the Region, direct and hold responsibility for the policy of the Board, promulgate laws or issue regional regulations and direct the administrative functions delegated to the Region by the State, in conformity with the instructions of the Government of the Republic.

#### ART. 122

The electoral system and cases of ineligibility and incompatibility of the President, the other members of the Regional Board and the Regional councillors shall be regulated by a regional law within the limits of the fundamental principles established by a law of the Republic, which shall also determine the terms of office of elected organs.

No one may belong at the same time to a Regional Council or a Regional Board and to one of the Houses of Parliament, to another Regional Council or another Regional Board, or to the European Parliament.

The Council shall elect a President and a Bureau from among its members.

Regional councillors shall not be held liable for opinions expressed or votes cast in the discharge of their duties.

The President of the Regional Board shall be elected by universal and direct suffrage, unless the regional statute provides otherwise. The elected President shall have the power to appoint and revoke the members of the Regional Board.

## ART. 123

Each Region shall have a statute which shall, in harmony with the Constitution, determine the form of government and the fundamental principles for its organisation and functioning. The statute shall regulate the exercise of the right of initiative and the holding of referenda on the laws and administrative measures adopted by the Region as well as the publication of regional laws and regulations.

The statute shall be adopted and amended by the Regional Council by means of a law approved by an absolute majority of its members in two successive votes held at an interval of not less than two months. This law does not require the stamp of approval of the Government Commissioner. The Government of the Republic may challenge the constitutional legitimacy of regional statutes before the Constitutional Court within thirty days from their publication.

The statute shall be submitted to a popular referendum if one fiftieth of the voters of the Region or one fifth of the members of the Regional Council so request within three months from its publication. A statute submitted to a referendum shall not be promulgated unless it is approved by a majority of valid votes.

In each Region, the statute shall provide for a Council of Local Autonomies as a body for consultation between the Region and local authorities.

## ART. 124

*Repealed*

## ART. 125

Administrative courts of first instance shall be established in each Region in accordance with rules set out by a law of the Republic. Sections of such courts may be established in localities other than the regional capital.

## ART. 126

The Regional Council may be dissolved and the President of the Regional Board may be removed by means of a reasoned decree of the President of the Republic in cases in which they have acted in contrast with the Constitution or committed serious violations of the law. Such dissolution or removal may also be decided for reasons of national security. The said decree shall be adopted after having heard a Committee of Deputies and Senators with responsibility for regional affairs, to be established in accordance with a law of the Republic.

The Regional Council may adopt a reasoned motion of no confidence against the President of the Regional Board, which shall be undersigned by at least one fifth of its members and adopted by roll-call vote by an absolute majority of its members. The said motion may not be debated earlier than three days from its introduction.

The adoption of a no-confidence motion against the President of a Regional Board elected by direct universal suffrage, or the President's removal, permanent inability, death or voluntary resignation shall entail the resignation of the Board and the dissolution of the Council. The same effects shall also ensue from the simultaneous resignation of a majority of the Council members (\*).

(\*) There follows the text of article 11 of Constitutional Law No. 3 of 18 October 2001:

"1. Until the provisions of title I of part two of the Constitution are revised, the rules of procedure of the Chamber of Deputies and the Senate of the Republic may envisage the participation of representatives of the Regions, the autonomous Provinces and the local authorities in the Parliamentary Committee on Regional Affairs.

2. When a bill relating to the matters set forth in paragraph 3 of article 117 and in article 119 of the Constitution contains provisions on which the Parliamentary Committee on Regional Affairs, with the enlarged membership as per paragraph 1, has expressed a negative opinion or a positive opinion conditional on the introduction of specifically worded amendments, and the Committee acting in a reporting capacity has not incorporated them, the House shall decide on the parts of the bill concerned with an absolute majority of its members".

## ART. 127

If the Government deems that a regional law exceeds the competence of the Region, it may raise the question of its constitutional legitimacy before the Constitutional Court within sixty days of its publication.

When a Region deems that a law or a measure having the force of law, emanating from the State or another Region, infringes upon its sphere of competence, it may raise the question of its constitutional legitimacy before the Constitutional Court within sixty days of publication of the law or measure having the force of law.

## ART. 128

*Repealed*

## ART. 129

*Repealed*

## ART. 130

*Repealed*

## ART. 131

The following Regions are established:

Piedmont;  
Valle d'Aosta;  
Lombardy;  
Trentino-Alto Adige;  
Veneto;  
Friuli-Venezia Giulia;  
Liguria;  
Emilia-Romagna;  
Tuscany;  
Umbria;  
The Marches;

Latium;  
Abruzzi;  
Molise;  
Campania;  
Apulia;  
Basilicata;  
Calabria;  
Sicily;  
Sardinia.

#### ART. 132

A constitutional law may, after the Regional Councils have been heard, provide for the merger of existing Regions or the creation of a new Region with a minimum of one million inhabitants, when so requested by as many Municipal Councils as represent not less than one third of the populations involved and the proposal has been approved in a referendum by a majority of said populations.

Provinces and Municipalities which so request may, by means of a law of the Republic, after the Regional Councils have been heard and with the consent, expressed through a referendum, of a majority of the populations of the Province or Provinces concerned or of the Municipality or Municipalities concerned, be allowed to be detached from one Region and incorporated into another.

#### ART. 133

Changes to provincial boundaries and the establishment of new Provinces within a Region shall be decided by means of laws of the Republic, on the initiative of the Municipalities, after the Region has been heard.

A Region, after having heard the populations involved, may adopt laws to establish new Municipalities or change the boundaries or names of Municipalities within its own territory.

TITLE VI  
CONSTITUTIONAL GUARANTEES

SECTION I  
*The Constitutional Court*

ART. 134

The Constitutional Court shall rule on:

- disputes concerning the constitutional legitimacy of laws and measures having the force of law adopted by the State or the Regions;
- conflicts of competence between State powers, between the State and the Regions, or between Regions;
- charges brought against the President of the Republic in accordance with the Constitution.

ART. 135

The Constitutional Court shall be composed of fifteen judges, one third of whom shall be appointed by the President of the Republic, one third by Parliament in joint session and one third by the higher ordinary and administrative courts.

The judges of the Constitutional Court shall be chosen from among members of the higher ordinary and administrative courts, including those in retirement, full university professors of law and lawyers with at least twenty years of practice.

Judges of the Constitutional Court shall be appointed for a term of nine years, beginning in each case from the day of their oath of office, and may not be re-appointed.

At the expiry of their term, constitutional judges shall cease from office and their functions.

The Court shall, in accordance with rules established by law, elect a President from among its members, who shall remain in office for three years and may be re-elected, subject in any case to the expiry of his or her term as a judge.



The office of constitutional judge shall be incompatible with membership of Parliament or a Regional Council, the practice of the legal profession, and with any other appointment or office specified by law.

In impeachment proceedings against the President of the Republic there shall sit, in addition to the ordinary judges of the Court, sixteen members chosen by lot from a list of citizens meeting the eligibility requirements for Senators, which Parliament shall draw up every nine years by means of an election held according to the same procedure established for the appointment of the ordinary judges.

#### ART. 136

When the Court declares the constitutional illegitimacy of a law or a measure having the force of law, they shall cease to have effect from the day following publication of the Court's decision.

The decision of the Court shall be published and communicated to the Houses of Parliament and to the Regional Councils concerned, so that they may, should they deem it necessary, take appropriate action in line with the Constitution.

#### ART. 137

A constitutional law shall establish the conditions, the procedure and the time limits according to which judgments on constitutional legitimacy may be sought, as well as the guarantees of the independence of the constitutional judges.

Ordinary laws shall establish the other rules necessary for the establishment and the functioning of the Court.

Decisions of the Constitutional Court shall in no case be subject to appeal.

## SECTION II

*Amendments to the Constitution. Constitutional laws*

## ART. 138

Laws amending the Constitution and other constitutional laws shall be adopted by each House by means of two successive decisions taken at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House on the second vote.

The said laws shall be submitted to a popular referendum if so requested within three months of their publication by one fifth of the members of a House or five hundred thousand voters or five Regional Councils. A law submitted to a referendum shall not be promulgated unless it is approved by a majority of valid votes.

No referendum shall be held if the law has been approved on the second vote by each of the Houses with a majority of two thirds of its members.

## ART. 139

The Republican form of the State shall not be a matter for constitutional amendment.

**TRANSITORY AND FINAL PROVISIONS**

## I

With the entry into force of the Constitution the provisional Head of State shall exercise the functions of President of the Republic and assume that title.

## II

If, at the date of the election of the President of the Republic, not all the Regional Councils have been consti-

tuted, only members of the two Houses shall participate in the election.

### III

For the initial establishment of the Senate of the Republic, the Deputies to the Constituent Assembly who meet all the requirements envisaged by law to become Senators and who

have been Presidents of the Council of Ministers or of legislative Assemblies;

have been members of the dissolved Senate;

have been elected at least three times, including to the Constituent Assembly;

were removed from office at the sitting of the Chamber of Deputies of 9 November 1926;

have been imprisoned for not less than five years after being convicted by the special Fascist tribunal for the defence of the State;

shall be appointed Senators by decree of the President of the Republic.

Those who have been members of the dissolved Senate and of the *Consulta Nazionale* shall also be appointed Senators by decree of the President of the Republic.

The right to be appointed Senator may be renounced before the signing of the decree of appointment. Acceptance of a candidacy in a general election shall imply renunciation of the right to appointment as a Senator.

### IV

For the first election of the Senate, Molise shall be considered a Region in itself, with the number of Senators attributable to it on the basis of its population.

## V

The provisions of article 80 of the Constitution on international treaties involving financial burdens or changes in the law shall become effective as of the date of the convening of the Houses.

## VI

Within five years from the entry into force of the Constitution the special judicial bodies currently existing shall be reviewed, except for the Council of State, the Court of Auditors and the military tribunals.

Within a year from the same date, a law shall provide for the re-organisation of the Supreme Military Tribunal in accordance with article 111.

## VII

Until such time as the new law on the organisation of the Judiciary under the Constitution has been enacted, the provisions in force shall continue to apply.

Until such time as the Constitutional Court has begun its functions, the disputes indicated in article 134 shall be decided in the forms and within the limits of the provisions already in existence before the entry into force of the Constitution.

## VIII

Elections to the Regional Councils and the elected bodies of provincial administrations shall be called within one year from the entry into force of the Constitution.

The laws of the Republic shall regulate for every branch of the public administration the transfer of the functions of the State attributed to the Regions. Until such time as the re-organisation and re-distribution of administrative functions among the local authorities has

been completed, the Provinces and the Municipalities shall retain the functions they currently exercise and any other functions delegated to them by the Regions.

Laws of the Republic shall regulate the transfer to the Regions of officials and employees of the State, including those from central government entities, which shall be made necessary by the new regulatory framework. In setting up their offices the Regions shall, except in cases of necessity, draw their personnel from the State and the local authorities.

## IX

The Republic, within three years from the entry into force of the Constitution, shall adapt its laws to the needs of local autonomies and to the legislative authority attributed to the Regions.

## X

The Region of Friuli-Venezia Giulia, mentioned in article 116, shall temporarily be subject to the general provisions of Title V of Part two of the Constitution, without prejudice to the protection of linguistic minorities in accordance with article 6.

## XI

Up to five years from the entry into force of the Constitution other Regions may be established by constitutional laws, thus amending the list in article 131, irrespective of the conditions in paragraph 1 of article 132, without prejudice, however, to the obligation to consult the populations concerned.

## XII

It shall be forbidden to reorganise the dissolved Fascist party under any form whatsoever.

By derogation from article 48, a law shall, for not more than five years from the entry into force of the Constitution, establish temporary limitations on the right to vote and the electoral eligibility of the leaders responsible for the Fascist regime.

### XIII (\*)

The members and descendants of the House of Savoy shall not have the right to vote or hold public and elected offices.

The former kings of the House of Savoy, their consorts and their male descendants shall be forbidden from entering or sojourning in the national territory.

The assets, existing on the national territory, of the former kings of the House of Savoy, of their consorts and of their male descendants shall revert to the State. Transfers and any property rights established on the said assets after 2 June 1946 shall be null and void.

### XIV

Titles of nobility shall not be recognised.

The predicates of those existing before 28 October 1922 shall become a part of names.

The Order of Saint Mauritius shall be preserved as a hospitaller body and shall function in the manner established by law.

The law shall regulate the abolition of the Heraldic Council.

### XV

With the entry into force of the Constitution, Lieutenant decree No. 151 of 25 June 1944 on the provisional organisation of the State shall be enacted into law.

(\*) Article 1 of Constitutional Law No. 1 of 23 October 2002, entered into force on 10 November 2002, has established the following: "Paragraphs 1 and 2 of transitory and final provision XIII of the Constitution shall cease to have effect from the date of entry into force of this constitutional law".

## XVI

Within one year from the entry into force of the Constitution, the previous constitutional laws which have not been explicitly or implicitly abrogated shall be reviewed and co-ordinated with the Constitution itself.

## XVII

The Constituent Assembly shall be convened by its President to decide, by 31 January 1948, on the law for the election of the Senate of the Republic, the special regional statutes and the law governing the press.

Until the day of the election of the new Houses, the Constituent Assembly may be convened when it is necessary to decide on matters falling within its remit as per article 2, paragraphs 1 and 2, and article 3, paragraphs 1 and 2, of Legislative Decree No. 98 of 16 March 1946.

During such time the Standing Committees shall retain their functions. Committees acting in a legislative capacity shall send back to the Government the bills referred to them, with any observations or draft amendments.

Deputies may submit questions to the Government requesting a written answer.

The Constituent Assembly, for the purposes of paragraph 2 of this article, shall be convened by its President following a reasoned request by the Government or at least two hundred Deputies.

## XVIII

This Constitution shall be promulgated by the provisional Head of State within five days of its approval by the Constituent Assembly and shall come into force on 1 January 1948.

The text of the Constitution shall be deposited in the Town Hall of every Municipality of the Republic and

there displayed for the whole of 1948, so as to allow every citizen to be apprised of it.

The Constitution, bearing the seal of the State, shall be included in the Official Collection of the laws and decrees of the Republic.

The Constitution must be faithfully observed as the fundamental law of the Republic by all citizens and bodies of the State.

*Given in Rome on this 27<sup>th</sup> day of December 1947*

ENRICO DE NICOLA

COUNTERSIGNED BY

*The President  
of the Constituent Assembly*  
UMBERTO TERRACINI

*The President  
of the Council of Ministers*  
ALCIDE DE GASPERI

*Viséed by: Keeper of the Seal*  
GIUSEPPE GRASSI