

*Constitution
of the
Italian Republic*



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Constitution of the Italian Republic

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The text of the Italian Constitution with the subsequent constitutional amendments, hereby reproduced, is all in accordance with that published in the Official Gazette (of 1947 and of subsequent years).

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THE PROVISIONAL HEAD OF STATE

Having regard to the resolution of the Constituent Assembly, in its session of 22 December 1947, approved the Constitution of the Republic of Italy; Having regard to the XVIII final provision of the Constitution;

PROMULGATES

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

FUNDAMENTAL PRICIPLES

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, as an individual and in the social groups where human personality is expressed. The Republic expects that the fundamental duties of political, economic and social solidarity be fulfilled.

Art. 3

All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions.

Art. 4

The Republic recognises the right of all citizens to work and promotes those conditions which render this right effective. Every citizen has the duty, according to personal potential and individual 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 implements the fullest measure of administrative decentralisation in those services which depend on the State. The Republic accords the principles and methods of its legislation to the requirements of autonomy and decentralisation.

Art. 6

The Republic safeguards linguistic minorities by means of appropriate measures.

Art. 7

The State and the Catholic Church are independent and sovereign, each within its own sphere. Their relations are governed by the Lateran Pacts. Changes to the Pacts that are accepted by both parties do

not require the procedure for constitutional amendment.

Art. 8

All religious confessions are equally free before the law. Religious confessions other than the Catholic one have the right to organise themselves in accordance with their own statutes, provided that these statutes are not in conflict with Italian law. Their relations with the State are regulated by law on the basis of accords between the State and the respective representatives.

Art. 9

The Republic promotes the development of culture and of scientific and technical research. It safeguards natural landscape and the historical and artistic heritage of the Nation.

Art. 10

The Italian legal system conforms to the generally recognised rules of international law. The legal status of foreigners is regulated by law in conformity with international provisions and treaties. A foreigner who is denied the effective exercise of the democratic liberties guaranteed by the Italian Constitution in his or her own country has the right of asylum in the territory of the Italian Republic, in accordance with the conditions established by law. Extradition of a foreigner for political offences is not admitted.

Art. 11

Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes. Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy promotes and encourages international organisations having 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 RIGHTS AND DUTIES

Art. 13

Personal liberty is inviolable.

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

In exceptional cases of necessity and urgency, strictly defined by the law, law-enforcement authorities may adopt temporary measures that must be communicated to the judicial authorities within forty-eight hours. Should such measures not be confirmed by the judicial authorities within the next forty-eight hours, they are revoked and become null and void.

All acts of physical or moral violence against individuals subject in any way to limitations of freedom shall be punished.

The law establishes the maximum period of preventive detention.

Art. 14

The home is inviolable.

Inspections, searches or seizures may not be carried out except in the cases and in the manner set out by law and in accordance with the guarantees prescribed for the safeguard of personal freedom.

Controls and inspections for reasons of public health and safety or for economic and taxation purposes are regulated by special laws.

Art. 15

The freedom and confidentiality of correspondence and of every other form of communication is inviolable.

Restrictions thereto may be imposed only by a reasoned warrant issued by a judicial authority with the guarantees established by law.

Art. 16

All citizens may travel or sojourn freely in any part of the national territory, except for general limitations which the law establishes for reasons of health and security.

No restrictions may be made for political reasons.

All citizens are free to leave and re-enter the territory of the Republic, provided all legal obligations are fulfilled.

Art. 17

Citizens have the right to assemble peacefully and unarmed.

No previous notice is required for meetings, even when the meetings occur in places that are open to the public.

For meetings in public places, previous notice must be given to the authorities, who may only forbid them for proven reasons of security and public safety.

Art. 18

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

Secret associations and those associations that, even indirectly, pursue political ends by means of organisations having a military character, are prohibited.

Art. 19

All persons have the right to profess freely their own religious faith in any form, individually or in association, to disseminate it and to worship in private or public, provided that the religious rites are not contrary to public morality.

Art. 20

The ecclesiastical nature and the religious or ritual purposes of an association or institution may not constitute a cause for special limitations under the law, nor for special taxation with respect to its establishment, legal status or any of its activities.

Art. 21

All persons have the right to express freely their ideas by word, in writing and by all other means of communication. The press may not be subjected to authorisation or censorship.

Seizure is permitted only by a reasoned warrant, issued by the judicial authority, in the case of offences for which the law governing the press gives express authorisation, or in the case of violation of its provisions concerning the disclosure of the identity of those holding responsibility.

In such cases, when there is absolute urgency and when timely intervention of the judicial authority is not possible, periodical publications may be seized by officers of the judicial police, who must promptly, and in any case within twenty-four hours, report the matter to the judicial authority. If the latter does not confirm the seizure order within the following twenty-four hours, the seizure is understood to be withdrawn and null and void. The law may establish, by means of provisions of a general nature, that the financial sources of the periodical press be disclosed.

Printed publications, public performances and events contrary to public morality are forbidden. The law

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establishes appropriate means for the prevention and repression of all violations.

Art. 22

No person may be deprived for political reasons of legal capacity, citizenship or name.

Art. 23

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

Art. 24

All persons are entitled to take judicial action to protect their individual rights and legitimate interests.

The right of defence is inviolable at every stage and level of the proceedings.

The indigent are assured, by appropriate measures, the means for legal action and defence in all levels of jurisdiction.

The law determines the conditions and the means for the redress of judicial errors.

Art. 25

No one may be withheld from the jurisdiction of the judge previously ascertained by law.

No one may be punished except on the basis of a law in force prior to the time when the offence was committed.

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

Art. 26

Extradition of a citizen is permitted only in the cases expressly provided for in international conventions.

In no case may extradition be permitted for political offences.

Art. 27

Criminal responsibility is personal.

The defendant is not considered guilty until the final judgement is passed.

Punishment cannot consist in inhuman treatment and must aim at the rehabilitation of the convicted person.

The death penalty is not permitted, except in cases provided for under wartime military law.

Art. 28

Officials and employees of the State and public entities are directly answerable, under criminal, civil and administrative law, for actions committed in violation of rights.

In such cases, civil liability extends to the State and the public entities.

*Title II***ETHICAL AND SOCIAL RIGHTS
AND DUTIES****Art. 29**

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

Matrimony is based on the moral and legal equality of the spouses within the limits laid down by law to guarantee the unity of the family.

Art. 30

It is the duty and right of parents to support, raise and educate their children, even if born out of wedlock.

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

The law ensures to children born out of wedlock every form of legal and social protection, that is compatible with the rights of members of the legitimate family.

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

Art. 31

The Republic assists the formation of the family and the fulfilment of its duties, with particular consideration for large families, through economic measures and other benefits.

The Republic protects mothers, children and the young by adopting the necessary provisions.

Art. 32

The Republic safeguards health as a fundamental right of the individual and as a collective interest, and guarantees free medical care to the indigent.

No one may be obliged to undergo any given health treatment except under the provisions of the law.

The law cannot under any circumstances violate the limits imposed by respect for the human person.

Art. 33

The Republic guarantees the freedom of the arts and sciences, which may be freely taught.

The Republic lays down general rules for education and establishes state schools for all branches and grades.

Entities and private persons have the right to establish schools and institutions of education, at no cost to the State.

The law, when setting out the rights and obligations for the non-state schools which request parity, shall ensure that these schools enjoy full liberty and offer their pupils an education and qualifications of the same standards as those afforded to pupils in state schools.

State examinations are prescribed for admission to and graduation from the various branches and grades of schools and for qualification to exercise a profession.

Institutions of higher learning, universities and academies,

have the right to establish their own regulations within the limits laid down by the laws of the State.

Art. 34

Schools are open to everyone.

Primary education, which is imparted for at least eight years, is compulsory and free.

Capable and deserving pupils, including those without adequate finances, have the right to attain the highest levels of education.

The Republic renders this right effective through scholarships, allowances to families and other benefits, which shall be assigned through competitive examinations.

Title III

ECONOMIC RIGHTS AND DUTIES

Art. 35

The Republic protects work in all its forms and practices. It provides for the training and professional advancement of workers.

It promotes and encourages international agreements and organisations which have the aim of establishing and regulating labour rights.

It recognises the freedom to emigrate, subject to the obligations set out by law in the general interest, and protects Italian workers abroad.

Art. 36

Workers have the right to a remuneration commensurate to the quantity and quality of their work and in all cases to an adequate remuneration ensuring them and their families a free and dignified existence.

Maximum daily working hours are established by law.

Workers have the right to a weekly rest day and paid annual holidays.

They cannot waive this right.

Art. 37

Working women have the same rights and are entitled to equal pay for equal work.

Working conditions must allow women to fulfil their essential role in the family and ensure special appropriate protection for the mother and child.

The law establishes the minimum age for paid work.

The Republic protects the work of minors by means of special provisions and guarantees them the right to equal pay for equal work.

Art. 38

Every citizen unable to work and without the necessary means of subsistence has a right to welfare support.

Workers have the right to be assured adequate means for their needs and necessities in the case of accidents, illness, disability, old age and involuntary unemployment. Disabled and handicapped persons have the right to education and vocational training.

The duties laid down in this article are provided for by entities and institutions established by or supported by the State.

Private-sector assistance may be freely provided.

Art. 39

Trade unions have the right to organise themselves freely. No obligations can be imposed on trade unions other than registration at local or central offices, according to the provisions of the law.

A condition for registration is that the statutes of the trade unions establish their internal organisation on a democratic basis.

Registered trade unions are legal persons.

They may, through a unified representation that is proportional to their membership, enter into collective labour agreements that have a mandatory effect for all persons belonging to the categories referred to in the agreement.

Art. 40

The right to industrial action shall be exercised in compliance with the law.

Art. 41

Private-sector economic initiative is freely exercised.

It cannot be conducted in conflict with social usefulness or in such a manner that could damage safety, liberty and human dignity.

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

Art. 42

Property is publicly or privately owned. Economic assets belong to the State, to entities or to private persons. Private property is recognised and guaranteed by the law, which prescribes the ways it is acquired, enjoyed and its limitations so as to ensure its social function and make it accessible to all.

Private property may, in the cases provided for by the law and with provisions for compensation, be expropriated for reasons of general interest.

The law establishes the regulations and limits of legitimate and testamentary inheritance and the rights of the State in matters of inheritance.

Art. 43

For purposes of general interest, specific enterprises or categories of enterprises related to essential public services, energy sources or monopolistic situations

and which have a primary public interest, may be reserved from the outset to the State, public entities or communities of workers or users, or may be transferred to them by means of expropriation and payment of compensation.

Art. 44

For the purpose of ensuring the rational exploitation of land and equitable social relationships, the law imposes obligations and constraints on the private ownership of land; it sets limitations to the size of holdings according to the region and agricultural zone; encourages and imposes land reclamation, the conversion of latifundia and the reorganisation of farm units; and assists small and medium-sized holdings.

The law makes provisions in favour of mountainous areas.

Art. 45

The Republic recognises the social function of cooperation of a mutualistic, non-speculative nature.

The law promotes and encourages co-operation through appropriate means and ensures its character and purposes through adequate controls.

The law safeguards and promotes artisanal work.

Art. 46

For the economic and social betterment of workers and in harmony with the needs 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 encourages and safeguards savings in all forms. It regulates, coordinates and oversees the operation of credit.

The Republic promotes the access through citizens' mutual savings to the ownership of housing and of directly cultivated land, as well as to direct and indirect investment in the equity of the large production complexes of the country.

Title IV

POLITICAL RIGHTS AND DUTIES

Art. 48

All citizens, male and female, who have attained their majority, are voters.

The vote is personal and equal, free and secret.

The exercise thereof is a civic duty.

The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote

and guarantees that this right is effective. A constituency of Italians abroad shall be established for elections to the Houses of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria established by law.

The right to vote cannot be restricted except for civil incapacity or as a consequence of an irrevocable penal sentence or in cases of moral unworthiness as laid down by law.

Art. 49

All citizens have the right to freely associate in parties to contribute to determining national policies through democratic processes.

Art. 50

All citizens may present petitions to both Houses to request legislative measures or to express collective needs.

Art. 51

All citizens of either sex are eligible for public offices and for elective positions on equal terms, according to the conditions established by law. To this end, the Republic shall adopt specific measures to promote equal opportunities between women and men.

The law may grant Italians who are not resident in the Republic the same rights as citizens for the purposes of access to public offices and elected positions.

Whoever is elected to a public function is entitled to the time needed to perform that function and to retain previously held employment.

Art. 52

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

Military service is obligatory within the limits and in the manner set by law. Fulfilment thereof shall not prejudice a citizen's employment, nor the exercise of political rights. The organisation of the armed forces shall be based on the democratic spirit of the Republic.

Art. 53

Every person shall contribute to public expenditure in accordance with his/her tax-payer capacity.

The taxation system shall be based on criteria of progression.

Art. 54

All citizens have the duty to be loyal to the Republic and to uphold its Constitution and laws.

Those citizens to whom public functions are entrusted have the duty to fulfil such functions with discipline and honour, taking an oath in those cases established by law.

Part II
ORGANISATION OF THE REPUBLIC
Title I
THE PARLIAMENT
Section I
The Houses

Art. 55

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

Parliament meets in joint session of the members of both Houses only in those cases established in the Constitution.

Art. 56

The Chamber of Deputies is elected by direct and universal suffrage.

The number of Deputies is six hundred and thirty, twelve of which are elected in the Overseas Constituency.

All voters who have attained the age of twenty-five on the day of elections are eligible to be Deputies.

The division of seats among the electoral districts, with the exception of the number of seats assigned to the Overseas Constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by six hundred eighteen and distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and the highest remainders.

Art. 57

The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the Overseas Constituency.

The number of Senators to be elected is three hundred and fifteen, six of which are elected in the Overseas Constituency. No Region may have fewer than seven Senators; Molise shall have two, Valle d'Aosta one.

The division of seats among the Regions, with the exception of the number of seats assigned to the Overseas Constituency, in accordance with the provisions of the preceding Article, is made in proportion to the population of the Regions as revealed in the most recent general census, on the basis of whole shares and the highest remainders.

Art. 58

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

Voters who have attained the age of forty are eligible to be elected to the Senate.

Art. 59

Former Presidents of the Republic are Senators by right and for life unless they renounce the office.

The President of the Republic may appoint five citizens who have honoured the Nation through their outstanding achievements in the social, scientific, artistic and literary fields as life Senators.

Art. 60

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

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

Art. 61

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

Until such time as the new Houses meet, the powers of the previous Houses are extended.

Art. 62

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

Each House may be convened in extraordinary session on the initiative of its President or the President of the Republic or a third of its members.

When one House is convened in extraordinary session, the other House is convened by right.

Art. 63

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

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

Art. 64

Each House adopts its own Rules by an absolute majority of its members.

The sittings are public; however, each of the Houses and Parliament in joint session may decide to convene a closed session.

The decisions of each House and of Parliament are not valid if the majority of the members is not present, and if they are not passed by a majority of those present, unless the Constitution prescribes a special majority.

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

Art. 65

The law determines the cases of non-eligibility 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 verifies the credentials of its members and the causes of ineligibility and incompatibility that may arise at a later stage.

Art. 67

Each Member of Parliament represents the Nation and carries out his/her duties without a binding mandate.

Art. 68

Members of Parliament cannot be held accountable for the opinions expressed or votes cast in the performance of their function.

Without the authorisation of their respective House, Members of Parliament may not be submitted to personal or home search, nor may they be arrested or otherwise deprived of their personal freedom, nor held in detention, except when a final court sentence is enforced, or when the Member is apprehended in the act of committing an offence for which arrest *flagrante delicto* is mandatory.

The same authorisation is required for Members of Parliament to be submitted to the surveillance of their conversations or communication, in any form, and to the seizure of their correspondence.

Art. 69

Members of Parliament shall receive an allowance established by law.

Section II Legislative process

Art. 70

The legislative function is exercised collectively by both Houses.

Art. 71

Legislation is initiated by the Government, by each Member of Parliament and by those entities and bodies so empowered by constitutional law.

The people may initiate legislation by proposing a bill drawn up in sections and signed by at least fifty thousand voters.

Art. 72

Every bill submitted to one of the Houses is, in accordance with its Rules, considered by a Committee and then by the House itself, which approves it section by section and with a final vote.

The Rules establish shortened procedures for draft legislation that has been declared urgent.

They may also establish in which cases and in what manner the consideration and approval of bills is deferred to Committees, including Standing Committees, composed so as to reflect the proportion of the Parliamentary Groups.

Even in such cases, until the moment of its final approval, the bill may 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 on by the House itself or that it be submitted to the House for final approval, with only explanations of vote.

The Rules establish the ways in which the proceedings of Committees are made public.

The regular procedure for consideration and direct approval by the House is always followed in the case of bills on constitutional and electoral matters, enabling legislation, the ratification of international treaties and the approval of budgets and accounts.

Art. 73

Laws are 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 is promulgated within the deadline established therein.

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

Art. 74

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

If the Houses once more pass the bill once again, then the law must be promulgated.

Art. 75

A popular referendum shall be held to abrogate, totally or partially, a law or a measure having the force of law, when requested by five hundred thousand voters or five Regional Councils.

Referenda are not admissible in the case of tax, budget, amnesty and pardon laws, or laws authorising the ratification of international treaties.

All citizens eligible to vote for the Chamber of Deputies have the right to participate in referenda.

The proposal subjected to a referendum is approved if the majority of those with voting rights have participated in the vote and a majority of votes validly cast has been reached.

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 principles and criteria have been established and then only for a limited time and for specified purposes.

Art. 77

The Government may not, without an enabling act from the Houses, issue decrees having the force of ordinary law.

When in extraordinary cases of necessity and urgency the Government adopts provisional measures having the force of law, it must on the same day present said measures for confirmation to the Houses which, even if dissolved, shall be summoned especially for this purpose and shall convene within five days.

The decrees lose effect from their inception if they are not confirmed within sixty days from their publication.

The Houses may however regulate by law legal relationships arising out of not confirmed decrees.

Art. 78

The Houses deliberate the state of war and confer the necessary powers on the Government.

Art. 79

Amnesty and pardon are granted with a law approved by a two-thirds majority in both Houses, for each section and in the final vote.

The law granting an amnesty or pardon establishes the deadline for its implementation.

Amnesty and pardon cannot in any case apply to offences committed following the introduction of the bill in Parliament.

Art. 80

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

Art. 81

The Houses approve every year the budgets and accounts submitted by the Government.

The provisional budget cannot be granted unless by law and for periods not exceeding a total of four months.

It is not possible to introduce new taxes and new

expenditures in the law approving the budget.

Any other law involving new or increased expenditures must specify the resources to meet these expenditures.

Art. 82

Each House may conduct inquiries on matters of public interest.

For such purposes, it appoints a Committee so composed as to reflect the proportional representation of the Parliamentary Groups.

The Committee of inquiry conducts its investigations and examinations with the same powers and the same limitations as a judicial authority.

Title II

THE PRESIDENT OF THE REPUBLIC

Art. 83

The President of the Republic is elected by Parliament in joint session of its members.

Three delegates from every Region elected by the Regional Council so as to ensure that minorities are represented shall participate in the election. Valle d'Aosta has one delegate only.

The election of the President of the Republic is by secret ballot with a majority of two thirds of the assembly.

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.

Compensation and endowments of the President are established by law.

Art. 85

The President of the Republic is elected for seven years. Thirty days before the expiration of the term, the President of the Chamber of Deputies shall summon a joint session of Parliament and the regional delegates to elect the new President of the Republic.

If the Houses are dissolved, or there are less than three months from their dissolution, the election shall take place within fifteen days of the meeting of the new Houses.

In the intervening time, the powers of the incumbent President are extended.

Art. 86

The functions of the President of the Republic, in all

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cases in which the President cannot perform them, shall be exercised by the President of the Senate.

In the case of permanent incapacity or death or resignation of the President of the Republic, the President of the Chamber of Deputies shall call an election of a new President of the Republic within fifteen days, except in the case of the longer term which is provided for when the Houses are dissolved and are within less than three months to their dissolution.

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:

- authorise the introduction to the Houses of bills initiated by the Government.
- promulgate the laws and issue decrees having the force of law as well as regulations.
- call popular referenda in the cases provided for by the Constitution.
- appoint State officials in the cases provided for by law.
- accredit and receive diplomatic representatives, and ratify international treaties which have, where required, been authorised by the Houses.

The President is the commander of the armed forces, shall preside over the Supreme Council of Defence established by law, and shall make declarations of war which have been decided by the Chambers.

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, having heard the Presidents of the Houses, may dissolve Parliament or even only one House.

The President of the Republic cannot exercise said right during the last six months of the presidential mandate, unless said period coincides in full or in part with the last six months of Parliament.

Art. 89

No act of the President of the Republic is valid if it is not signed by the proposing Ministers, who assume responsibility for it.

The acts which have legislative strength and those laid down by law shall be countersigned also by the President of the Council of Ministers.

Art. 90

The President of the Republic is not responsible for the actions performed in the exercise of the presidential

duties, except in the case of high treason or attempt against 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, before taking office, shall take an oath of allegiance to the Republic and swear to uphold the Constitution before Parliament in joint session.

Title III

THE GOVERNMENT

Section I

The Council of Ministers

Art. 92

The Government of the Republic is made up of the President of the Council and the Ministers who together form the Council of Ministers.

The President of the Republic appoints the President of the Council of Ministers and, on his/her proposal, the Ministers.

Art. 93

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

Art. 94

The Government must have the confidence of both Houses.

Each House grants or withdraws its confidence through a reasoned motion and which is voted on by roll-call.

Within ten days of its formation the Government shall come before the Houses to obtain their confidence.

An opposing vote by one or both the Houses against a Government proposal does not entail the obligation to resign.

A motion of no-confidence must be signed by at least one-tenth of the members of the House and cannot be debated earlier than three days from its presentation.

Art. 95

The President of the Council conducts and holds responsibility for the general policy of the Government. The President of the Council ensures the coherence of political and administrative policies, by promoting and coordinating the activity of the Ministers.

The Ministers are collectively responsible for the acts of

the Council of Ministers; they are individually responsible for the acts of their own ministries.

The law establishes the organisation of the Presidency of the Council, as well as the number, competence and organisation of the ministries.

Art. 96

The President of the Council of Ministers and the Ministers, even if they resign from office, are subject to normal justice for crimes committed in the exercise of their duties, provided authorisation is given by the Senate of the Republic or the Chamber of Deputies, in accordance with the norms established by Constitutional Law.

Section II

Public Administration

Art. 97

Public offices are organised according to the provisions of law, so as to ensure the efficiency and impartiality of administration.

The regulations of the offices lay down the areas of competence, the duties and the responsibilities of the officials.

Employment in public administration is accessed through competitive examinations, except in the cases established by law.

Art. 98

Civil servants are exclusively at the service of the Nation. If they are Members of Parliament, they may not be promoted in their services, except through seniority.

The law may set limitations on the right to become members of political parties in the case of magistrates, 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 Economics and Labour is composed, as set out by law, of experts and representatives of the economic categories, in such a proportion as to take account of their numerical and qualitative importance.

It serves as a consultative body for the Houses and the Government for those matters and those functions attributed to it by law.

It can initiate legislation and may contribute to drafting economic and social legislation according to the principles and within the limitations laid out by law.

Art. 100

The Council of State is a legal-administrative consultative body and it oversees the administration of justice.

The Court of Auditors exercises preventive control over the legitimacy of Government measures, and also ex-post auditing of the administration of the State Budget. It participates, in the cases and ways established by law, in auditing the financial management of the entities receiving regular budgetary support from the State.

It reports directly to the Houses on the results of audits performed.

The law ensures the independence from the Government of the two bodies and of their members.

Title IV

THE JUDICIAL BRANCH

Section I

The Organisation of the Judiciary

Art. 101

Justice is administered in the name of the people. Judges are subject only to the law.

Art. 102

Judicial proceedings are exercised by ordinary magistrates empowered and regulated by the provisions concerning the Judiciary.

Extraordinary or special judges may not be established. Only specialised sections for specific matters within the ordinary judicial bodies may be established, and these sections may include the participation of qualified citizens who are not members of the Judiciary.

The law regulates the cases and forms of the direct participation of the people in the administration of justice.

Art. 103

The Council of State and the other organs of judicial administration have jurisdiction over the protection of legitimate rights before the public administration and, in particular matters laid out by law, also of subjective rights. The Court of Auditors has jurisdiction in matters of public accounts and in other matters laid out by law. Military tribunals in times of war have the jurisdiction established by law.

In times of peace they have jurisdiction only for military crimes committed by members of the armed forces.

Art. 104

The Judiciary is a branch that is autonomous and independent of all other powers.

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

The first president and the general prosecutor of the Court of Cassation are members by right.

Two thirds of the members are elected by all the ordinary judges belonging to the various categories, and one third are elected by Parliament in joint session from among full university professors of law and lawyers with fifteen years of practice.

The Council elects a vice-president from among those members designated by Parliament.

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

They may not, while in office, be registered in professional rolls, nor serve in Parliament or on a Regional Council.

Art. 105

The High Council of the Judiciary, in accordance with the regulations of the Judiciary, has jurisdiction for employment, assignments and transfers, promotions and disciplinary measures of judges.

Art. 106

Judges are appointed by means of competitive examinations.

The law on the regulations of the Judiciary allows the appointment, even by election, of honorary judges for all the functions performed by single judges.

Following a proposal by the High Council of the Judiciary, full university professors of law and lawyers with fifteen years of practice and registered in the special professional rolls for the higher courts may be appointed for their outstanding merits as Cassation councillors.

Art. 107

Judges may not be removed from office; they may not be dismissed or suspended from office or assigned to other courts or functions unless by a decision of the High Council of the Judiciary, taken either for the reasons and with the guarantees of defence established by the provisions concerning the organisation of Judiciary or with the consent of the judges themselves.

The Minister of Justice has the power to originate disciplinary action.

Judges are distinguished only by their different functions.

The state prosecutor enjoys the guarantees established in the prosecutor's favour by the provisions concerning the organisation of the Judiciary.

Art. 108

The provisions concerning the organisation of the Judiciary and the judges are laid out by law.

The law ensures the independence of judges of special courts, of state prosecutors of those courts, and of other persons participating in the administration of justice.

Art. 109

The legal authorities have direct use of the judicial police.

Art. 110

Without prejudice to the authority of the High Council of the Judiciary, the Minister of Justice has responsibility for the organisation and functioning of those services involved with justice.

Section II

Rules on Jurisdiction

Art. 111

Jurisdiction is implemented through due process regulated by law.

All court trials are conducted with adversary proceedings and the parties are entitled to equal conditions before an impartial judge in third party position.

The law provides for the reasonable duration of trials.

In criminal law trials, the law provides that the alleged offender shall be promptly informed confidentially of the nature and reasons for the charges that are brought and shall have adequate time and conditions to prepare a defence.

The defendant shall have the right to cross-examine or to have cross-examined before a judge the persons making accusations and to summon and examine persons for the defence in the same conditions as the prosecution, as well as the right to produce all other evidence in favour of the defence.

The defendant is entitled to the assistance of an interpreter in the case that he or she does not speak or understand the language in which the court proceedings are conducted.

In criminal law proceedings, the formation of evidence

is based on the principle of adversary hearings.

The guilt of the defendant cannot be established on the basis of statements by persons who, out of their own free choice, have always voluntarily avoided undergoing cross-examination by the defendant or the defence counsel.

The law regulates the cases in which the formation of evidence does not occur in an adversary proceeding with the consent of the defendant or owing to reasons of ascertained objective impossibility or proven illicit conduct.

All judicial decisions shall include a statement of reasons. Appeals to the Court of Cassation in cases of violations of the law are always allowed against sentences and against measures affecting personal freedom pronounced by ordinary and special courts.

This rule can only be waived in cases of sentences 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 are permitted only for reasons of jurisdiction .

Art. 112

The public prosecutor has the obligation to institute criminal proceedings.

Art. 113

The judicial safeguarding of rights and legitimate interests before the organs of ordinary or administrative justice is always permitted against acts of the public administration.

Such judicial protection may not be excluded or limited to particular kinds of appeal or for particular categories of acts.

The law determines which judicial bodies are empowered to annul acts of public administration in the cases and with the consequences provided for by the law itself.

Title V

REGIONS - PROVINCES - MUNICIPALITIES

Art. 114

The Republic is composed of the Municipalities, the Provinces, the Metropolitan Cities, the Regions and the State. Municipalities, provinces, metropolitan cities and regions are autonomous entities having their own statutes, powers and functions in accordance with the principles laid down 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 have special forms and conditions of autonomy pursuant to the special statutes adopted by constitutional law.

The Trentino-Alto Adige/Südtirol Region is composed of the autonomous provinces of Trent and Bolzano.

Additional special forms and conditions of autonomy, related to the areas specified in art. 117, paragraph three and paragraph two, letter l) - limited to the organisational requirements of the Justice of the Peace - and letters n) and s), may be attributed to other Regions by State Law, upon the initiative of the Region concerned, after consultation with the local authorities, in compliance with the principles set forth in art. 119.

Said Law is approved by both Houses of Parliament with the absolute majority of their members, on the basis of an agreement between the State and the Region concerned.

Art. 117

Legislative powers shall be vested in the State and the Regions in compliance with the Constitution and with the constraints deriving from EU legislation and international obligations.

The State has exclusive legislative powers in the following subject matters:

- a. foreign policy and international relations of the State; relations between the State and the European Union; right of asylum and legal status of non-EU citizens;
- b. immigration;
- c. relations between the Republic and religious denominations;
- d. defence and armed forces; State security; armaments, ammunition and explosives;
- e. the currency, savings protection and financial markets; competition protection; foreign exchange system; state taxation and accounting systems; equalisation of financial resources;
- f. state bodies and relevant electoral laws; state referenda; elections to the European Parliament;
- g. legal and administrative organisation of the State and of national public agencies;
- h. public order and security, with the exception of local administrative police;
- i. citizenship, civil status and register offices;
- j. jurisdiction and procedural law; civil and criminal law; administrative judicial system;
- k. determination of the basic level of benefits relating to civil and social entitlements to be guaranteed throughout the national territory;
- l. general provisions on education;
- m. social security;
- n. electoral legislation, governing bodies and

fundamental functions of the Municipalities, Provinces and Metropolitan Cities;

- o. customs, protection of national borders and international prophylaxis;
- p. weights and measures; standard time; statistical and computerised coordination of data of state, regional and local administrations; works of the intellect;
- q. protection of the environment, the ecosystem and cultural heritage.

Concurring legislation applies to the following subject matters: international and EU relations of the Regions; foreign trade; job protection and safety; education, subject to the autonomy of educational institutions and with the exception of vocational education and training; professions; scientific and technological research and innovation support for productive sectors; health protection; nutrition; sports; disaster relief; land-use planning; civil ports and airports; large transport and navigation networks; communications; national production, transport and distribution of energy; complementary and supplementary social security; harmonisation of public accounts and coordination of public finance and 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. In the subject matters covered by concurring legislation legislative powers are vested in the Regions, except for the determination of the fundamental principles, which are laid down in State legislation.

The Regions have legislative powers in all subject matters that are not expressly covered by State legislation.

The Regions and the autonomous provinces of Trent and Bolzano take part in preparatory decision making process of EU legislative acts in the areas that fall within their responsibilities.

They are also responsible for the implementation of international agreements and EU measures, subject to the rules set out in State law which regulate the exercise of subsidiary powers by the State in the case of non-performance by the Regions and autonomous provinces.

Regulatory powers shall be vested in the State with respect to the subject matters of exclusive legislation, subject to any delegations of such powers to the Regions. Regulatory powers shall be vested in the Regions in all other subject matters.

Municipalities, provinces and metropolitan cities have regulatory powers as to the organisation and implementation of the functions attributed to them.

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

Agreements between a Region and other Regions that aim at improving the performance of regional functions and that may also envisage the establishment of joint

bodies shall be ratified by regional law.

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

Art. 118

Administrative functions are attributed to the Municipalities, unless they are attributed to the provinces, metropolitan cities and regions or to the State, pursuant to the principles of subsidiarity, differentiation and proportionality, to ensure their uniform implementation.

Municipalities, provinces and metropolitan cities carry out administrative functions of their own as well as the functions assigned to them by State or by regional legislation, according to their respective competences. State legislation shall provide for co-ordinated action between the State and the Regions in the subject matters as per Article 117, paragraph two, letters b) and h), and also provide for agreements and co-ordinated action in the field of cultural heritage preservation.

The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity.

Art. 119

Municipalities, provinces, metropolitan cities and regions shall have revenue and expenditure autonomy. Municipalities, provinces, metropolitan cities and regions shall have independent financial resources.

They set and levy taxes and collect revenues of their own, in compliance with the Constitution and according to the principles of coordination of State finances and the tax system.

They share in the tax revenues related to their respective territories.

State legislation shall provide for an equalisation fund - with no allocation constraints - for the territories having lower percapita taxable capacity.

Revenues raised from the above-mentioned sources shall enable municipalities, provinces, metropolitan cities and regions to fully finance the public functions attributed to them.

The State shall allocate supplementary resources and adopt special measures in favour of specific municipalities, provinces, metropolitan cities and regions to promote economic development along with social cohesion and solidarity, to reduce economic and social imbalances, to foster the exercise of the rights of the person or to achieve goals other than those pursued in the ordinary implementation of their functions.

Municipalities, provinces, metropolitan cities and regions have their own assets, which are allocated to them pursuant to general principles laid down in State legislation.

They may resort to indebtedness only as a means of financing investment expenditure.

State guarantees on loans contracted for this purpose are not admissible.

Art. 120

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

The Government can act for bodies of the regions, metropolitan cities, provinces and municipalities if the latter fail to comply with international rules and treaties or EU legislation, or in the case of grave danger for public safety and security, or whenever such action is necessary to preserve legal or economic unity and in particular to guarantee the basic level of benefits relating to civil and social entitlements, regardless of the geographic borders of local authorities.

The law shall lay down the procedures to ensure that subsidiary powers are exercised in compliance with the principles of subsidiarity and of loyal co-operation.

Art. 121

The organs of the Region are: the Regional Council, the Regional Executive and its President.

The Regional Council shall exercise the legislative powers attributed to the Region as well as the other functions conferred by the Constitution and the laws.

It may submit bills to Parliament.

The Regional Executive is the executive body of the Region.

The President of the Executive represents the Region, directs the policymaking of the Executive and is responsible for it, promulgates laws and regional statutes, directs 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 the cases of ineligibility and incompatibility of the President, the other members of the Regional Executive and the Regional councillors shall be established by a regional law in accordance with the fundamental principles established by a law of the Republic, which also establishes the term of elective offices.

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

The Council shall elect a President amongst its members and a Bureau.

Regional councillors are not answerable for the opinions expressed and votes cast in the exercise of their functions.

The President of the Regional Executive shall be elected

by universal and direct suffrage, unless the regional statute provides otherwise.

The elected President shall appoint and dismiss the members of the Executive.

Art. 123

Each Region shall have a statute which, in harmony with the Constitution, shall lay down the form of government and basic principles for the organisation of the Region and the conduct of its business.

The statute shall regulate the right to initiate legislation and promote referenda on the laws and administrative measures of the Region as well as the publication of laws and of regional regulations.

Regional statutes are adopted and amended by the Regional Council with a law approved by an absolute majority of its members, with two subsequent deliberations at an interval of not less than two months. This law does not require the visé of the Government commissioner.

The Government of the Republic may submit the constitutional legitimacy of the regional statutes to the Constitutional Court within thirty days from their publication.

The statute is submitted to popular referendum if one fiftieth of the electors of the Region or one-fifth of the members of the Regional Council so request within three months from its publication.

The statute that is submitted to referendum is not promulgated if it is not approved by the majority of valid votes.

In each Region, statutes regulate the activity of the Council of local authorities as a consultative body on relations between the Regions and local authorities.

Art. 124

(Repealed)

Art. 125

Administrative tribunals of the first instance shall be established in the Region, in accordance with the rules established by the law of the Republic. Sections may be established in places other than the regional capital.

Art. 126

The Regional Council may be dissolved and the President of the Executive may be removed with a reasoned decree of the President of the Republic in the case of acts in contrast with the Constitution or grave violations of the law.

The dissolution or removal may also be decided for reasons of national security.

The aforementioned decree is adopted after consultation with a committee of Deputies and Senators for regional affairs which is set up in the manner established by a law of the Republic.

The Regional Council may adopt a reasoned motion of

no confidence against the President of the Executive that is undersigned by at least one-fifth of its members and adopted by roll call vote with an absolute majority of members.

The motion may not be debated before three days have elapsed since its introduction.

The adoption of a no confidence motion against a President of the Executive elected by universal and direct suffrage, and the removal, permanent inability, death or voluntary resignation of the President of the Executive entail the resignation of the Executive and the dissolution of the Council.

The same effects are produced by the contemporary resignation of the majority of the Council members.

Art. 127

The Government may submit the constitutional legitimacy of a regional law to the Constitutional Court within sixty days from its publication, when it deems that the regional law exceeds the competence of the Region.

A Region may submit the constitutional legitimacy of a State or regional law or measure having the force of law to the Constitutional Court within sixty days from its publication, when it deems that said law or measure infringes upon its competence.

Art. 128

(Repealed)

Art. 129

(Repealed)

Art. 130

(Repealed)

Art. 131

The following Regions shall be 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

By a constitutional law, after consultation with the Regional Councils, a merger between existing Regions or the creation of new Regions having a minimum of one million inhabitants may be decided upon, when the request has been made by a number of Municipal Councils representing not less than one-third of the populations involved, and the request has been approved by referendum by a majority of said populations.

The Provinces and Municipalities which request to be detached from one Region and incorporated in another may be allowed to do so, following a referendum and a law of the Republic, which obtains the majority of the populations of the Province or Provinces and of the Municipality or Municipalities concerned, and after

having heard the Regional Councils.

Art. 133

Changes in provincial boundaries and the institution of new Provinces within a Region are regulated by the laws of the Republic, on the initiative of the Municipalities, after consultation with the Region.

The Region, after consultation with the populations involved, may establish through its laws new Municipalities within its own territory and modify their districts and names.

Title VI

CONSTITUTIONAL GUARANTEES

Section I

The Constitutional Court

Art. 134

The Constitutional Court shall pass judgement on: controversies on the constitutional legitimacy of laws and enactments having the force of law issued by the State and the Regions; conflicts arising from allocation of powers of the State and those powers allocated to State and Regions, and between Regions; accusations made against the President of the Republic and the Ministers, according to the provisions of the Constitution.

Art. 135

The Constitutional Court shall be composed of fifteen judges, a third nominated by the President of the Republic, a third by Parliament in joint sitting and a third by the ordinary and administrative supreme Courts.

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

Judges of the Constitutional Court shall be nominated for nine years, beginning in each case from the day of their swearing in, and they may not be re-appointed.

At the expiry of their term, the constitutional judges shall leave office and the exercise of the functions thereof.

The Court shall elect from among its members, in accordance with the rules established by law, a President, who shall remain in office for three years and may be re-elected, respecting in all cases the expiry term for constitutional judges.

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

In impeachment procedures against the President of

the Republic, apart from the ordinary judges of the Court, there shall also be sixteen members chosen by lot from among a list of citizens having the qualification necessary for election to the Senate, which the Parliament prepares every nine years through election using the same procedures as those followed in appointing ordinary judges.

Art. 136

When the Court declares the constitutional illegitimacy of a law or enactment having the force of law, the law ceases to have effect from the day following the publication of the decision.

The decision of the Court shall be published and communicated to the Houses and to the Regional Councils concerned, so that, wherever they deem it necessary, they shall act in conformity with constitutional procedures.

Art. 137

A constitutional law shall establish the conditions, the forms, the terms for proposing judgements on constitutional legitimacy, and the guarantees of the independence of the constitutional judges.

Ordinary laws shall establish the other provisions necessary for the constitution and the functioning of the Court.

Against the decision of the Constitutional Court no appeals are allowed.

Section II

Amendments to the Constitution. Constitutional Laws

Art. 138

Laws amending the Constitution and other constitutional laws shall be adopted by each House after two successive debates at intervals of not less than three months, and shall be approved by an absolute majority of the members of each House in the second voting.

Said laws are submitted to a popular referendum when, within three months of their publication, such request is made by one-fifth of the members of a House or five hundred thousand voters or five Regional Councils.

The law submitted to referendum shall not be promulgated if not approved by a majority of valid votes. A referendum shall not be held if the law has been approved in the second voting by each of the Houses by a majority of two-thirds of the members.

Art. 139

The form of Republic shall not be a matter for constitutional amendment.

TRANSITORY AND FINAL PROVISIONS

I

With the implementation of the Constitution the provisional Head of the 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, all the Regional Councils have not been set up, only members of the two Houses shall participate in the election.

III

For the first composition of the Senate of the Republic, Deputies to the Constituent Assembly who possess all the requisites by law to be Senators and who: had been Presidents of the Council of Ministers or of legislative Assemblies; had been members of the dissolved Senate; had been elected at least three times including to the Constituent Assembly; had been dismissed at the sitting of the Chamber of Deputies of 9 November 1926; had been imprisoned for not less than five years by a sentence of the special Fascist tribunal for the defence of the State; shall be appointed Senators.

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

The right to be appointed Senator may be renounced before the signing of the decree of appointment.

Acceptance of candidacy in political elections shall constitute renunciation of the right to be appointed Senator.

IV

For the first election of the Senate Molise shall be considered a Region in itself, having the due number of Senators on the basis of its population.

V

The provisions of Article 80 of the Constitution on the question of international treaties which involve budget expenditures or changes in the law, shall become effective as from the date of convocation of Parliament.

VI

Within five years after the Constitution has come into effect the special jurisdictional bodies still in existence shall be revised, excluding the jurisdiction of the Council of State, the Court of Auditors, and the military tribunals. Within a year of the same date, a law shall provide for the re-organisation of the Supreme Military Tribunal according to Article 111.

VII

Until such time as the new law on the Judiciary in accordance with the Constitution has been issued, the provisions in force shall continue to be observed. Until such time as the Constitutional Court begins its functions, the decision on controversies indicated in Article 134 shall be conducted in the forms and within the limits of the provisions already in existence before the implementation of the Constitution.

VIII

Elections of the Regional Councils and the elected bodies of provincial administration shall be called within one year of the implementation of the Constitution.

The laws of the Republic shall regulate for every branch of public administration the passage of the state functions attributed to the Regions.

Until such time as the reorganisation and redistribution of the administrative functions among the local bodies has been accomplished, the Provinces and the Municipalities shall retain those functions they then exercise and those others which the Regions may delegate to them.

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

IX

The Republic, within three years of the implementation of the Constitution, shall adjust its laws to the needs of local autonomies and to the legislative jurisdiction attributed to the Regions.

X

To the Region of Friuli Venezia Giulia, as per Article 116, shall be applied temporarily the general provisions of Title V of the second part, without prejudice to the protection of linguistic minorities in accordance with Article 6.

XI

Up to five years after the implementation of the Constitution other Regions may, by constitutional laws, be established, thus amending the list in Article 131, and without the conditions requested by the first paragraph of Article 132, without prejudice, however, to the obligation to consult the peoples concerned.

XII

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

Notwithstanding Article 48, the law has established, for not more than five years from the implementation of the

Constitution, temporary limitations to the right to vote and eligibility for the leaders responsible for the Fascist regime.

XIII

The members and descendants of the House of Savoy shall not be voters and they shall not hold public office or elected offices.

To the ex-kings of the House of Savoy, to their consorts and their male descendants shall be forbidden access and sojourn in the national territory.

The assets, existing on 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 the establishment of royal rights on said patrimony which took place 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 serve as part of the name.

The Order of Saint Mauritius shall be preserved as a hospital corporation and shall function in the ways established by law.

The law shall regulate the suppression of the Heraldic Council.

XV

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

XVI

Within one year of the entry into force of the Constitution, the revision and co-ordination therewith of the preceding constitutional laws which had not at that moment been explicitly or implicitly abrogated shall begin.

XVII

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

Until the day of the election of the new Houses, the Constituent Assembly may be called, when it is necessary to decide on matters attributed to its jurisdiction by Article 2, paragraphs one and two, and Article 3, paragraphs one and two, of legislative decree No. 98 of 16 March 1946.

At that time the Standing Committees shall maintain their functions. Legislative Committees shall send back to the Government those bills, submitted to them, with their observations and proposals for amendments.

Deputies may present questions to the Government

with request for written answers.

The Constituent Assembly, in accordance with the second paragraph of this Article, shall be called by its President at the documented request of the Government or by at least two hundred Deputies.

XVIII

The present 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 exposed, for the whole of 1948, so as to allow every citizen to know of it.

The Constitution, bearing the seal of the State, shall be included in the Official Records 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 this 27th day of December 1947

ENRICO DE NICOLA

COUNTERSIGNED

President of the Constituent Assembly

UMBERTO TERRACINI

President of the Council of Ministers

ALCIDE DE GASPERI

Visé: Keeper of the Seal

GRASSI

NOTES

[1] (Note to Art. 7, second paragraph).

The Lateran Pacts were modified by the Concordat of 18 February 1984, which came into force with Law No. 121 of 25 March 1985 (Official Gazette No. 85 of 10 April 1985, supplement).

[2] (Note to Art. 8, third paragraph).

To regulate such relations were established Laws No. 449 of 11 August 1984, No. 516 of 22 November 1988, No. 517 and 8 March 1989, No. 101 (Official Gazette No. 222 of 13 August 1984, No. 283 of 2 December 1988, No. 69 of 23 March 1989), issued on the basis of prior existing «agreements» respectively, with the Waldensian Evangelical Church, the Advent Christian Church, the Assemblies of God and the Jewish Communities, and more recently the Laws No. 409 of 5 October 1993, (Official Gazette, No. 239 of 11 October 1993), No. 116 of 12 April 1995 (Official Gazette No. 94 of 22 April 1995), No. 520 of 29 November 1995 (Official Gazette No. 286 of 7 December 1995), No. 637 and 638 of 20 December 1996 (Official Gazette No. 299 of 21 December 1996), for the regulation of relations with other denominations or for the modification of prior agreements.

[3] (Note to Art. 10, fourth paragraph).

By the application of the sole article of Constitutional Law No. 1 of 21 June 1967, (Official Gazette No. 164 of 3 July 1967), «the last paragraph of Article 10 of the Constitution is not applied to crimes of genocide».

[4] (Note to Art. 26, second paragraph).

By the application of the sole article of Constitutional Law No. 1 of 21 June 1967, «the last paragraph of Article 26 of the Constitution is not applied to crimes of genocide». Cf. Art. 10.

[5] (Note to Art. 27, fourth paragraph).

Cf. The European Convention for the Protection of Human Rights and Fundamental Freedoms - «Protocol No. 6 on the abolition of the death penalty» (adopted in Strasbourg on 28 April 1983), implemented with Law No. 8 of 2 January 1989, (Official Gazette No. 12 of 16 January 1989, ordinary supplement), as well as with Law No. 589 of 13 October 1994, on the «Abolition of the death penalty in the military penal code in times of war» (Official Gazette No. 250 of 25 October 1994).

[6] (Note to Art. 40).

See Law No. 146 of 12 June 1990 including «Regulations on the exercise of the right to strike in the sector of essential public services» (Official Gazette No. 137 of 14 June 1990).

[7] (Note to Art. 48, third paragraph).

Paragraph inserted with Art. 1 of Constitutional Law No. 1 of 17 January 2000, (Official Gazette No. 15 of 20 January 2000).

[8] (Note to Art. 51, first paragraph, second sentence).

The sentence was added with Art. 1 of Constitutional Law No. 1 of 30 May 2003 (Official Gazette No. 134 of 12 June 2003).

[9] (Note to Art. 56).

Article constituted at first with Art. 1 of Constitutional Law No. 2 of 9 February 1963 containing «Modifications to Articles 56, 57 and 60 of the Constitution» (Official Gazette No. 40 of 12 February 1963) and then amended, in the second and fourth paragraphs, with Art. 1 of Constitutional Law No. 1 of 23 January 2001, containing «Amendments to Articles 56 and 57 of the Constitution concerning the number of Deputies and Senators representing the Italian government abroad» (Official Gazette No. 19 of 24 January 2001). Please refer, in addition, to the transitory provisions in Art. 3 of Law No. 1 of 2001.

Art. 56, in the original text and in the subsequent revision of 1963, read as follows:

Art. 56

«The Chamber of Deputies is elected by direct universal suffrage, to the extent of one deputy per eighty thousand inhabitants or per fractions higher than forty thousand.

Deputies can be elected among all electors who are 25 years old on Election Day».

Art. 56

«The election of members of the Chamber of Deputies is by universal and direct suffrage.

The Chamber of Deputies has six-hundred and thirty seats.

Deputies can be elected among all electors who are 25 years old on Election Day.

The division of seats among the electoral districts, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by six hundred and thirty and by distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and highest remainders».

[10] (Note to Art. 57).

Article constituted at first with Art. 2 of Constitutional Law No. 2 of 9 February 1963 and, subsequently, amended in the third paragraph of Constitutional Law No. 3 of 27 December 1963, institutive of the Molise Region (Official Gazette No. 3 of 4 January 1964) as well as in the first, second and fourth paragraph with Art. 2 of Constitutional Law No. 1 of 23 January 2001, containing «Amendments to Articles 56 and 57 of the Constitution concerning the number of Deputies and Senators representing Italians abroad» (Official Gazette No. 19 of 24 January 2001). Please refer, moreover, to Constitutional Law No. 1 of 9 March 1961 for the transitory assignment of seats to the Friuli-Venezia Giulia Region (Official Gazette No. 82 of 1° April 1961).

The text of Art. 57, in the original formula before Constitutional Law of 2001, read as follows:

Art. 57

«The Senate of the Republic is elected on a regional basis.

Each Regional has one Senator per two hundred thousand inhabitants or per fractions higher than one hundred thousand.

No Region may have fewer than six Senators. Valle d'Aosta has only one Senator».

Art. 57

«The Senate of the Republic is elected on a regional basis.

The number of senators to be elected is three hundred and fifteen.

No Region may have fewer than seven Senators. Valle d'Aosta has only one Senator.

The division of seats among the Regions, prior application of dispositions of the previous paragraph, is made in proportion to the population of the Regions as resulting in the latest general census, on the basis of whole shares and highest remainders ».

Art. 57

« The Senate of the Republic is elected on a regional basis.

The number of senators to be elected is three hundred and fifteen.

No Region may have fewer than seven Senators; Molise has two, Valle d'Aosta has only one Senator.

The division of seats among the Regions, prior application of dispositions of the previous paragraph, is made in proportion to the population of the Regions, as resulting in the latest general census, on the basis of whole shares and highest remainders».

[11] (Note to Art. 60, first paragraph).

Paragraph substituted as such with Art. 3 of Constitutional Law No. 2 of 9 February 1963, containing «Amendments to Articles 56, 57 and 60 of the Constitution».

The original text of Art. 60 read as follows:

Art. 60

The Chamber of deputies is elected for five years, the Senate of the Republic for six years.

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

[12] (Note to Art. 68).

Article substituted as such with Constitutional Law No. 3 of 29 October 1993 (Official Gazette No. 256 of 30 October 1993).

The previous text of Art. 68 read as follows:

Art. 68

Members of Parliament cannot be held accountable for the opinions expressed or votes cast in the exercise of their office.

In default of the authorisation of his House, no Member

of Parliament may be submitted to penal proceedings; nor may he be arrested or otherwise deprived of his personal freedom, or submitted to personal or home search, except when the Member is apprehended in the act of committing an offence for which the arrest warrant is mandatory.

Such an authorization shall also be required for arresting or holding in detention a member of Parliament in execution of a judgement even if irrevocable».

For immunity of the Judges of the Constitutional Court, cf. Art. 3 of Constitutional Law No. 1 of 9 February 1948.

[13] (Note to Art. 75, fifth paragraph).

See Art. 2 No. 1 of Constitutional Law of 11 March 1953, and Title II of Law No. 352 of 25 May 1970.

[14] (Note to Art. 79)

Article constituted as such with Constitutional Law No. 1 of 6 March 1992 (Official Gazette No. 57 of 9 March 1992).

The original text of Art. 79 read as follows:

Art. 79

Amnesty and pardon are granted by the President of the Republic by a law under delegation of the Chambers. In no instance may amnesty or pardon be extended to offences committed after the bill has been introduced».

[15] (Note to Art. 88, second paragraph)

Article constituted as such with Constitutional Law No. 1 of 4 November 1991, (Official Gazette No. 262 of 8 November 1991).

In the old text, the second paragraph of Art. 88 read as follows:

«May not exercise such right during the final six months of the presidential term».

[16] (Note to Art. 96)

Article constituted as such with Art. 1 of Constitutional Law No. 1 of 16 January 1989. See also, Law No. 219 of 5 June 1989.

The original text of Art. 96 read as follows:

Art. 96

«The President of the Council of Ministers and the Ministers are subject impeachment by the Parliament in common session for crimes committed in the exercise of their duties».

[17] (Note to Art. 107, first paragraph).

In the text published in the extraordinary edition of the Official Gazette of 27 December 1947, due to a typographical error, instead of «duties» appeared the word «officials»: cf. errata in Official Gazette No. 2 of 3 January 1948.

[18] (Note to Art. 111).

The first five paragraphs were introduced with Art. 1 of Constitutional Law No. 2 of 23 November 1999 (Official Gazette No. 300 of 23 December 1999).

In Art. 2, the same Constitutional Law thus establishes:

«1. The Law regulates the application of principles contained in this Constitutional Law to the penal proceedings in course at the date of its entry into force».

[19] (Note to Title V).

This title was amended by Constitutional Law No. 3 of 18 October 2001 (Amendments to Title V of the second part of the Constitution), in the Official Gazette No. 248 of 24 October 2001. Hereinafter are reported the provisions inserted by the amendments and in the note, the texts previously in force. Herein are also reproduced the final provisions contained in Articles 10 and 11 of such laws.

«Art. 10.

1. Until conformity of the respective statutes, the provisions of this Constitutional Law are applied also to the Regions with special status and to the autonomous provinces of Trento and of Bolzano for the parts in which it provides for broader forms of autonomy as regards the one already attributed».

«Art. 11.

1. Until the revision of the rules of Title I of the second part of the Constitution, the regulations of the Chamber of Deputies and of the Senate of the Republic may provide for the participation of representatives from the Regions, from the autonomous Provinces and from the local entities to the Parliamentary Commission for regional matters.

2. When a bill regarding the matters in relation the third paragraph of Art. 117 and Art. 119 of the Constitution contains provisions on which the Parliamentary Commission for regional matters, integrated pursuant to paragraph 1, has expressed a different opinion or favourable opinion conditioned to the introduction of specifically formulated amendments, and the relevant Parliamentary Commission which carried out the examination is not the appropriate one, the Assembly resolves by absolute majority of its members on the corresponding parts of the bill ».

[20] (Note to Art. 114).

Article resulting from the substitution of the previous text carried out with Art. 1 of Constitutional Law No. 3 of 18 October 2001 (Official Gazette No. 248 of 24 October 2001).

The original text was the following:

Art. 114

«The Republic is divided into Regions, Provinces and Municipalities».

[21] (Note to Art. 115).

With Art. 9, paragraph 2 of Constitutional Law No. 3 of 2001, cited above.

The repealed text read as follows:

Art. 115

«The Regions are constituted by autonomous entities having their own powers and functions in accordance with the principles laid down in the Constitution».

[22] (Note to Art. 116).

Article resulting from the substitution of the previous text carried out with Art. 2 of Constitutional Law No. 3 of 2001, cited above.

The original text was the following:

Art. 116

«Sicily, Sardinia, Trentino-Alto Adige, Friuli-Venezia Giulia and Valle d'Aosta have special forms and conditions of autonomy pursuant to the special statutes adopted by Constitutional Laws».

Please also refer to Constitutional Law No. 2 of 26 February 1948 (for the Sicilian statute), Constitutional Law No. 3 of 26 February 1948 (for the Sardinia statute), Constitutional Law No. 4 of 26 February 1948 (for the Valle d'Aosta statute), Constitutional Law No. 5 of 26 February 1948 and Pres. Decree No. 670 of 31 August 1972 (for the Trentino-Alto Adige statute), Constitutional Law No. 1 of 31 January 1963 (for the Friuli-Venezia Giulia statute). See also Constitutional Law No. 1 of 9 May 1986, concerning the amendment of Art. 16 of the Sardinia statute (Official Gazette No. 111 of 15 May 1986), Constitutional Law No. 3 of 12 April 1989 containing amendments and additions to Constitutional Law No. 1 of 23 February 1972 concerning the duration of term of office of the Sicilian Regional Assembly and of the Regional Councils of Special Statute Regions (Official Gazette No. 87 of 14 April 1989) as well as Constitutional Law No. 2 of 23 September 1993 including amendments and additions to the special statutes for the Valle d'Aosta, for Sardinia, for Friuli-Venezia Giulia and for Trentino-Alto Adige (Official Gazette No. 226 of 25 September 1993).

[23] (Note to Art. 117).

Article resulting from the substitution of the previous text carried out with Art. 3 of Constitutional Law No. 3 of 2001, cited above.

The original text was the following:

Art. 117

«Within the limits of the fundamental principles established by the laws of the State, the Region legislates in regard to the following matters, provided that such legislation is not in conflict with the interests of the Nation or of other Regions:

- Organisation of the offices and administrative bodies dependent on the Region;
- Town boundaries;
- Urban and rural police;
- Fairs and markets;
- Public charities and health and hospital assistance;
- Vocational training of artisans and scholastic assistance;
- Museums and libraries of local bodies;
- Town planning;
- Tourism trade and hotel industry;
- Tram and motor coach services of regional interest;
- Roads, aqueducts and public works of regional interest;
- Lake navigation and ports;

- Mineral and spa waters;
- Quarries and peat bogs;
- Hunting;
- Fishing in lake and river waters;
- Agriculture and forestry;
- Artisanry;
- Other matters indicated by Constitutional Laws.

The Laws of the Republic may delegate power to the Regions to issue regulations for their enforcement».

[24] (Note to Art. 118).

Article resulting from the substitution of the previous text carried out with Art. 4 of Constitutional Law No. 3 of 2001, cited above.

The original text was the following:

Art. 118

«The Regions are responsible for the administrative functions in matters listed in the previous article, except for those of exclusive local interest which may be delegated by the laws of the Republic, to the Provinces, to the Municipalities and to other local authorities.

The State may by law, delegate the exercise of other functions of an administrative nature to the Regions.

The Region normally exercises its administrative functions by delegating them to the Provinces, to the Municipalities and to other local authorities, or by administering them through their offices».

[25] (Note to Art. 119).

Article resulting from the substitution of the previous text carried out with Art. 5 of Constitutional Law No. 3 of 2001, cited above.

The original text was the following:

Art. 119

«Regions have financial autonomy within the forms and limits established by the laws of the Republic, which coordinate this regional autonomy with the finances of the State, of the Provinces and of the Municipalities.

The Regions are allocated their own taxes and shares of the state taxes, in relation to the needs of the Regions for the expenses necessary to fully finance the normal public functions attributed to them.

The State assigns by law special allocations to individual Regions for specific purposes and particularly for the development of Southern and Insular Italy.

The Region has its own demesne and patrimony, according to the requirements of the laws of the Republic».

[26] (Note to Art. 120).

Article resulting from the substitution of the previous text carried out with Art. 6 of Constitutional Law No. 3 of 2001, cited above.

The original text was the following:

Art. 120

«The Region may not levy import or export or transit duties between Regions.

It may not adopt measures which in any way obstruct

the freedom of movement of persons and goods between Regions.

It may not limit the right of citizens to exercise in any part of the national territory their profession, employment or work».

[27] (Note to Art. 121).

Article amended as such, in the second and fourth paragraph, with Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999).

The previous text read as follows:

Art. 121

«The bodies of the Region are: the Regional Council, the Regional Executive and its President».

The Regional Council shall exercise the legislative powers attributed to the Region as well as the other functions conferred by the Constitution and the laws. It may submit bills to Parliament.

The Regional Executive is the executive body of the Region.

The President of the Executive represents the Region; he promulgates regional laws and regulations and directs the administrative functions delegated to the Region by the State, in accordance with the instructions of the Government of the Republic».

[28] (Note to Art. 122).

Article resulting by the substitution carried out with Art. 2 of Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999).

To Art. 5, including «transitory provisions», the same Constitutional Law has established the following:

«1. Until the date of entry into force of the new regional statutes and of the new electoral laws pursuant to the first paragraph of Art. 122 of the Constitution, as substituted by Art. 2 of this Constitutional Law, the election of the President of the Regional Executive is simultaneous to the renovation of the respective Regional Councils and is made with the methods provided for by current ordinary legal provisions in matters of election of Regional Councils. Candidates to the Presidency of the Regional Councils the front-runners of the regional lists. The candidate who obtains the highest number of valid votes within the regional scope is proclaimed as elected President of the Regional Executive. The President of the Regional Executive is part of the Regional Council. Elected to the appointment of counsellor is the candidate to the appointment of President of the Regional Executive who has obtained a number of valid votes immediately under that of the candidate who has been proclaimed as elected President. The Central Regional Office reserves, for this purpose, the last of the seats potentially entitled to the electoral lists associated with the front-runner of the regional list proclaimed to the appointment of counsellor, in the cases provided for in number 3) of the thirteenth paragraph of Art. 15 of Law No. 108 of 17 February 1968, introduced by paragraph 2 of Art. 3 of Law No. 43 of 23 February 1995; or, otherwise, the seat

[is] attributed with the rest or with the lower electoral figure, among those of the same list, during the session of the sole Regional Council for the distribution of the highest remainder electoral seats. If all the seats entitled to the list associated have been assigned with whole shares during the electoral district session, the Central Regional Office proceeds to attribute an additional seat, which must be taken into account for the determination of the consequent percentage share of seats entitled to the majority lists within the Regional Council.

2. The following provisions must be respected until the date of entry into force of the new regional statutes:

a) Within ten days from the proclamation, the President of the Regional Executive appoints the members of the same, among which a Vice President, and may subsequently remove them;

b) In the event in which the Regional Council approves by absolute majority a no confidence vote against the President of the Regional Executive, presented by at least one fifth of its members and entered for discussion not before three days from the presentation, the lists for new election of candidates for the Council and for President of the Executive shall be drawn up within three months. New elections are also called for Council and President of the Executive in the events of voluntary resignations, permanent impediments or death of a President ».

In the original text, Art. 122 read as follows:

Art. 122.

«The electoral system, the number and the cases of ineligibility and incompatibility of the Regional Counsellors shall be established by laws of the Republic. No one may belong at the same time to a Regional Council and to one of the Houses of Parliament or to any other Regional Council.

The Council shall elect a President and a Bureau from amongst its members for its own duties.

Regional Counsellors are unaccountable for the opinions expressed and votes cast in the exercise of their functions.

The President and the members of the Regional Executive shall be elected by the Regional Council amongst its members».

[29] (Note to Art. 123).

Article resulting from the substitution of the previous text carried out by Art. 3 of Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999) and by the addition of the last paragraph established with Art. 7 of Constitutional Law No. 3 of 2001, cited above.

In the previous text, Art. 123 read as follows:

Art. 123

«Each Region shall have a statute which, in harmony with the Constitution and with the Laws of the Republic, shall lay down the basic principles for the internal organisation of the Region. The regional statute shall regulate the right to initiate legislation and promote

referenda on the laws and administrative measures of the Region as well as the publication of laws and regional regulations.

The statute is drafted and approved by the Regional Council through an absolute majority of its members and is further approved by a law of the Republic. »

Pursuant to the same article, second paragraph, the regional statutes are approved with laws of the Republic of 22 May 1971 (Nos. 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350), of 22 July 1971 (No. 480) and of 28 July 1971 (No. 519) (published in the Official Gazette No. 148 of 14 June 1971, supplement; No. 190 of 28 July 1971, supplement; No. 195 of 3 August 1971) and, subsequently, modified with Law No. 336 of 9 November 1990 (Official Gazette No. 272 of 21 November 1990, ordinary supplement), No. 180 of 31 May 1991 (Official Gazette No. 141 of 18 June 1991), No. 44 of 23 January 1992 (Official Gazette No. 26 of 1° February 1992, ordinary supplement).

[30] (Note to Art. 124).

With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The repealed text read as follows:

Art. 124

«A Government Commissioner, resident in the Regional seat, oversees the administrative functions exercised by the central government and coordinates them with those exercised by the Regions».

[31] (Note to Art. 125).

First paragraph of Art. 125 was repealed with Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The repealed text was the following:

Art. 125

«Control of legitimacy of administrative decisions in the Region is exercised, in a decentralized manner, by a State body, in the manner and within the limits established by the laws of the Republic. The law may in specific cases admit re-examination of the merits of the case, but only to the extent of promoting, through a motivated request, the re-examination of a controversial decision by the Regional Council».

[32] (Note to Art. 126).

Article resulting from the substitution of the original text with Art. 4 of Constitutional Law No. 1 of 22 November 1999 (Official Gazette No. 299 of 22 December 1999).

In the original text, Art. 126 read as follows:

Art. 126

«The Regional Council may be dissolved when it performs acts in contrast with the Constitution or commits serious violations of the law, or fails to respond to the request of the Government to replace the Regional Executive or the President of the Executive, when these have committed similar acts or violations.

It may be dissolved when, by reason of resignation or

through the impossibility of forming a majority, it is no longer in a position to fulfil its duties.

It may also be dissolved for reasons of national security.

The dissolution of the Regional Council is carried out by a decree of the President of the Republic, after an opinion has been offered by a Commission composed of Deputies and Senators, formed according to the laws of the Republic for regional affairs.

The Decree of Dissolution is accompanied by the nomination of a Commission composed of three citizens eligible for the Regional Council, which calls for new elections within a period of three months and provides for ordinary administration within the competence of the Regional Executive and for such decisions as cannot be postponed: such decisions are subject to ratification by the new Regional Council».

[33] (Note to Art. 127).

Article resulting by the substitution carried out with Art. 8 of Constitutional Law No. 3 of 2001, cited above.

The original text of the article was the following:

Art. 127

«Every law approved by the Regional Council shall be communicated to the Government Commissioner who, except in the case of opposition by the Government, must approve it within a period of thirty days from its submission.

The law is promulgated within ten days from the date of approval and becomes effective not earlier than fifteen days from its publication. If a law is considered urgent by the Regional Council, and the Government of the Republic approves it, then its promulgation and date of effect are not subject to the aforementioned terms.

When the Government of the Republic deems that a law approved by the Regional Council exceeds the competence of the Region or is in conflict with national interests or with those of other Regions, it sends it back to the Regional Council within the period established for approval.

When the Regional Council approves it again by an absolute majority of its members, the Government of the Republic may, within fifteen days of communication of the fact, submit the question of its legitimacy to the Constitutional Court or a lower court due to conflict of interests before the Chambers. In case of doubt, the Constitutional Court shall decide on the competent body ».

[34] (Note to Art. 128).

With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The text of the repealed article was the following:

Art. 128

«Provinces and Municipalities are autonomous entities within the principles laid down by the general laws of the Republic, which determine their functions».

[35] (Note to Art. 129).

With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, cited above.

The text of the repealed article was the following:

Art. 129

«The Provinces and the Municipalities are also territorial units of State and Regional decentralisation.

The territories within the Province districts may be subdivided into districts with exclusive administrative functions for the sake of further decentralisation ».

[36] (Note to Art. 130).

With Art. 9, paragraph 2, of Constitutional Law No. 3 of 2001, above cited.

The text of the repealed article was the following:

Art. 130

«A Regional body, constituted in accordance with procedure established by the laws of the Republic, exercises, in decentralised form, control over the legitimacy of decisions taken by the Provinces, Municipalities and of other local bodies.

In cases determined by the law, control of an issue of general merit may be exercised in the form of reasoned request to competent assembly for re-examination of decisions taken previously».

[37] (Note to Art. 131).

Article modified as such with Art. 1 of Constitutional Law No. 3 of 27 December 1963, which instituted the «Molise» Region. Cf. Art. 57 and XI of the transitory and final provisions.

In the original text, Art. 131 identified a sole region under the wording «Abruzzi and Molise».

[38] (Note to Art. 132).

The second paragraph of this article was modified as such by Art. 9, paragraph 1, of Constitutional Law No. 3 of 2001, cited above.

The original text read as follows:

Art. 132

«It is possible, through referendum and with laws of the Republic, after consulting the Regional Councils, to allow that Provinces and Municipalities which request it, be detached from a Region and incorporated into another».

For the exercise of referendums provided for in this Article, see Title III of Law No. 352 of 25 May 1970.

[39] (Note to Art. 134).

The last indent was modified as such with Art. 2 of Constitutional Law No. 1 of 16 January 1989.

The original text of such indent read as follows:

«On impeachments against the President of the Republic and Ministers, pursuant to the Constitution».

Cf. Art. 96 now in the current text, after the amendment made with Art. 1 of Constitutional Law No. 1 of 1989.

[40] (Note to Art. 135).

Article substituted as such with Art. 1 of Constitutional Law No. 2 of 22 November 1967 and subsequently amended, in the last indent, by Constitutional Law No. 1 of 16 January 1989.

See Art. 10 of Constitutional Law No. 1 of 11 March 1953 (repealed by Law No. 2 of 1967).

The previous text of Art. 135 read:

Art. 135

«The Constitutional Court shall be composed of fifteen judges, a third appointed by the President of the Republic, a third by Parliament in joint sitting and a third by the members of the ordinary and administrative Supreme Courts.

The judges of the Constitutional Courts shall be chosen from among the magistrates, of the High and Administrative Courts, including those in retirement, university professors of law and lawyers with at least twenty years practice.

The Court shall elect from among its members a President.

The Judges shall be appointed for twelve years and some may be retained in office according to the regulations established by the law and are not re-eligible immediately.

The appointment of Constitutional Judge shall be incompatible with membership of Parliament or of a Regional Council, the practice of the legal profession, and with every appointment and office indicated by law. In impeachment procedures against the President of the Republic and against the Ministers, in addition to the ordinary judges of the Court, there shall also be sixteen members chosen at the beginning of each legislation period from among a list of citizens having the qualification necessary for election to the Senate.

[41] (Note to Art. 135, fifth paragraph).

See also Art. 6 of Law No. 87 of 11 March 1953 and Art. 7 of the general regulations of the Constitutional Court.

[42] (Note to Art. 135, sixth paragraph).

Cf. Art. 7 of Law No. 87 of 11 March 1953.

For incompatibility with the appointment of Regional Counsellor see Art. 4 of Law No. 154 of 23 April 1981.

Art. 11 of Law No. 74 of 11 April 1990 establishes for members of the Superior Council of the Parliament the incompatibility with the appointment of Constitutional Judge.

[43] (Note to Art. 135, seventh paragraph).

Cf. Parliamentary Regulations 7-28 June 1989 and, in addition, Constitutional Laws No. 2 of 22 November 1967, No. 1 of 11 March 1953, No. 87 of 11 March 1953 and, especially, No. 20 of 2 January 1962 and Additional Regulations for impeachment judges 27 November 1962.

[44] (Note to Art. 136, second paragraph).

Cf. Art. 30 of Law No. 87 of 11 March 1953.

[45] (Note to Art. 137, first paragraph).

Cf. Constitutional Law No. 1 of 9 February 1948, and Constitutional Law No. 1 of 11 March 1953.

[46] (Note to Art. 137, second paragraph).

See law No. 87 of 11 March 1953.

[47] (Note to Art. 138).

For the regulation related to the referendum provided for in this article, see Title I of Law No. 352 of 25 May 1970.

[48] (Note to IV of the transitory and final provisions).

Cf. Articles 57 and 131, as amended by Constitutional Law No. 3 of 27 December 1963.

[49] (Note to VII of the transitory and final provisions).

The third paragraph of this provision was repealed with Art. 7 of Constitutional Law No. 22 of 2 November 1967. The latter read as follows:

«The Judges of the Constitutional Court, nominated for the initial composition of that Court, shall not be subject to partial re-election and shall remain in office for a period of twelve years».

[50] (Note to XI of the transitory and final provisions).

The term, provided for in this article, was extended until 31 December 1963, with Constitutional Law No. 1 of 18 March 1958 (Official Gazette No. 79 of 1° April 1958), and within the same term was instituted the Region of Molise (cf. Art. 131).

[51] (Note to XIII of the transitory and final provisions).

In terms of Constitutional Law No. 1 of 23 October 2002 (Official Gazette No. 252 of 26 October 2002), «the first and second paragraphs of the XIII transitory and final provision of the Constitution cease to be effective at the date of entry into force of this Constitutional Law».

Said paragraphs read as follows:

XIII transitory and final provision.

«The members and descendants of the House of Savoy are not electors and may not hold any public office or elective positions.

Former kings of the House of Savoy, their wives and their male descendants may not enter or remain in Italian territory».

[52] (Note to XV of the transitory and final provision).

Decree No. 151, issued as «decreto legge luogotenenziale» (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) of 25 June 1944, was called «Assembly for the new Constitution of the State, taking the oath of members of the Government and power

of the Government to issue legal regulations» (Official Gazette No. 39 of 8 July 1944, special series), contained the following provisions:

LEGISLATIVE DECREE No. 151 OF 25 JUNE 1944

Art. 1 - «After the liberation of the national territory, the institutional forms shall be chosen by the Italian people who shall, to this purpose, elect through direct, secret and universal suffrage, a Constituent Assembly to resolve the new Constitution of the State.

The forms and the procedures shall be established with a subsequent provision».

Art. 2 - «The provision concerning the election of a new Chamber of Deputies and its convening within four months from the cessation of the current state of war, contained in the third paragraph of sole article of Royal Decree-Law No. 175 of 2 August 1943, with which the Parliamentary Session is adjourned and the Chamber of the Fasci and Corporations is dissolved is repealed ».

Art. 3 - «The State Ministers and Undersecretaries swear under their honour to exercise their functions in the supreme interest of the National and not to undertake, until the convening of the Constituent Assembly, acts which may in any way compromise the solution of the institutional matter».

Art. 4 - «Until the new Parliament is not operational, the provisions having the force of law are resolved by the Council of Ministers.

Such legislative decrees provided for in the previous paragraph were sanctioned and enacted by the Lieutenant General of the Realm with the formula:

«Having regard to the resolution of the Council of Ministers;

«By the proposal of ...

«We have sanctioned and proclaim the following: ...».

Art. 5 - «Until the time when the provision of Art. 2, first paragraph of Royal Decree-Law No. 2/B of 30 October 1943 is still in force, the decrees related to the matter indicated in Art. 1 of Law No. 100 of 31 January 1926 are issued by the Lieutenant General of the Realm with the formula:

«Having heard the opinion of the Council of Ministers;

«By the proposal of...

«We have enacted and enact...».

Art. 6 - «This decree comes into force on the same date of its publication in the Official Gazette of the Kingdom - special series - and shall be presented to the Legislative Assembly for its conversion into law.

The President of the Council of Ministers, proposer and authorised to present the relative bill.

It is ordered, to whom this decree applies, to comply with it and enforce it as law of the State».

[53] (Note to XVII transitory and final provision).

The text of the «decreto legge luogotenenziale», (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) No. 98 of 16 March 1946 containing «Additions and amendments to the «decreto legge luogotenenziale», (pre-republican monarchic law

or legislative decree of the Lieutenant of the Realm) No. 151 of 25 June 1944 related to the Assembly for the new constitution of the State, to the swearing of members of the Government and to the power of the Government to enact legal regulations» (Official Gazette No. 69 of 23 March 1946) contained the following provisions:

LEGISLATIVE DECREE No. 98 OF 16 MARCH 1946

Art. 1 - «Simultaneous to the elections for the Constituent Assembly, the People shall be called to decide through a referendum on the institutional form of the State (Republic or Monarchy) ».

Art. 2 - «If the majority of the electors pronounces itself in favour of the Republic, the Assembly, after its constitution, as a first act, shall elect a provisional Head of State who shall exercise his functions until he shall be appointed Head of State by the application of the Constitution resolved by the Assembly.

For the election of provisional Head of State the majority of three fifths of the members of the Assembly is required. If such majority is not reached on the third poll, the absolute majority shall prevail.

Once the election of the provisional Head of State is carried out, the Government in charge shall present its resignation and the provisional Head of State shall commission the formation of the new Government.

In the cases provided for in the first paragraph, from the date of proclamation of the results of the referendum and until the election of the provisional Head of State, the relative functions shall be exercised by the President of the Council of Ministers in office on election day.

If the majority of electors voting favour the Monarchy, the current regime of Lieutenants shall continue until entry into force of the Assembly resolutions on the new Constitution and on the Head of State».

Art. 3 - «During the period of the Constituent and until convening Parliament by the application of the new Constitution, the legislative power is delegated, save for constitutional matters, to the Government, with the exception of electoral laws and of laws of approval of international treaties, which will be resolved by the Assembly.

The Government shall submit to the examination of the Assembly any other argument for which it deems appropriate its resolution by the latter.

The Government is responsible towards the Constituent Assembly.

Rejection of a governmental proposal by the Assembly does not entail as a consequence the Government's resignation. These are mandatory only following the vote on a motion of no confidence carried out not before two days from its presentation and adopted by absolute majority of the Members of the Assembly».

Art. 4 - «The Constituent Assembly shall have its first meeting in Rome, at the Palace of Montecitorio, on the twenty-second day after election day.

The Assembly is legally dissolved on the date of entry into force of the new Constitution and however within the eighth month from its first meeting. It may extend

this term to a period not over four months.

Until it has not resolved on its own internal rules and regulations, the Constituent Assembly shall apply the internal regulations of the Chamber of Deputies of 1° July 1900 and subsequent amendments until 1922».

Art. 5 - «Until the new Constitution has not entered into force, the attributions of the Head of State are regulated by the current regulations, if applicable».

Art. 6 - «The legislative procedures which are not the responsibility of the Constituent Assembly pursuant to the first paragraph of Art. 3, resolved in the period indicated therein, must be submitted for ratification by the new Parliament within one year from their commencement».

Art. 7- «Within the term of thirty days from the date of the «decreto legge luogotenenziale», (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) which indicates the election of the Constituent Assembly, the civil and military employees of the State most commit, on their honour, to comply and enforce compliance in the fulfilment of their duties with the results of the institutional referendum and the related decisions of the Constituent Assembly.

None of the commitments previously undertaken by them, even if under oath, limits the freedom of opinion and of vote of the civil and military employees of the State ».

Art. 8 - «With decree of the President of the Council of Ministers, having heard the opinion of the Council of Ministers, shall be enacted the regulations related to the development of the referendum, the proclamation of its results and the final judgement on the challenges, complaints and claims related to the operations of the referendum, with the power to modify and add, to this purpose, the provisions of the «decreto legge luogotenenziale», (pre-republican monarchic law or legislative decree of the Lieutenant of the Realm) No. 74 of 10 March 1946 for the election of deputies of the Constituent Assembly and to order that to the State ballot paper, provided for in the aforementioned decree, are made any potential necessary amendments.

For the answer to the referendum, two distinct marks must be indicated ».

Art. 9 - «This decree enters into force on the date of its publication in the Official Gazette of the Kingdom.

We order that this decree, bearing the State seal, is inserted in the official File of laws and decrees of the Kingdom of Italy, ordering anyone concerned to comply with it and enforce compliance as law of the State ».