

SPECIAL STATUTE  
FOR TRENTINO -  
ALTO ADIGE/SÜDTIROL





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English translation: Vivienne Frankell  
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# SPECIAL STATUTE FOR TRENTINO-ALTO ADIGE/SÜDTIROL

Modified text of the Constitution  
of the “Trentino - Alto Adige/Südtirol” Region  
and the Provinces of Trento and Bolzano/Bozen

## Chapter I - General Provisions

### Art. 1

1. Trentino-Alto Adige/Südtirol, comprising the territory of the Provinces of Trento and Bolzano/Bozen, constitutes an autonomous Region, with legal status, within the political structure of the Italian Republic, one and indivisible, on the basis of the principles of the Constitution and according to the present Statute.

2. The capital of the Trentino-Alto Adige/Südtirol Region shall be the city of Trento.

### Art. 2

1. In the Region equality of rights for all citizens is recognised, regardless of the linguistic group to which they belong, and respective ethnic and cultural characteristics shall be safeguarded.

### Art. 3

1. The Region consists of the Provinces of Trento and Bolzano/Bozen.

2. The communes of Proves, Senale, Termeno, Ora, Bronzolo, Valdagno, Lauregno, San Felice, Cortaccia, Egna, Montagna, Trodena, Magrè, Salorno, Anterivo and the district of Sinablana within the commune of Rumo in the Province of Trento shall be joined to the Province of Bolzano/Bozen.

3. The Provinces of Trento and Bolzano/Bozen shall be granted special forms and conditions of autonomy, according to the present Statute. Without prejudice to the provisions relating to the use of the national flag, the Region, the Province of Trento and that of Bolzano/Bozen shall have their own banner and coat of arms, approved by decree of the President of the Republic.



## Chapter II - Functions of the Region

### Art. 4

1. In conformity with the Constitution and the principles of the legal system of the Republic, and respecting international obligations and national interests - among which is included the protection of local linguistic minorities - as well as the fundamental principles of the socio-economic reforms of the Republic, the Region has the power to issue laws on the following matters:

1. Regulation of regional offices and their personnel;
2. Regulation of para-regional bodies;
3. Regulation of local authorities and their relative subdivisions;
4. Expropriation for public use, except for works mainly or directly the responsibility of the State and matters of provincial competence;
5. Establishment and maintenance of land registers;
6. Fire prevention services;
7. Regulation of health bodies and hospitals;
8. Regulation of Chambers of Commerce;
9. Development of co-operatives and their supervision;
10. Improvement grants for public works carried out by other public bodies within the Region.

### Art. 5

1. Within the limits of the preceding article and principles established by State laws, the Region may issue laws on the following matters:

- 1.(repealed)
2. Regulation of public assistance and welfare institutions;
3. Regulation of land and agricultural credit institutions, savings banks and rural banks, as well as regional credit organisations.

### Art. 6

1. In matters concerning national insurance and social security the Region may issue laws integrating the provisions of State law, and may set up appropriate autonomous institutes or facilitate their establishment.

2. Those health insurance funds in the Region that have been merged with the Institute for workers sickness benefit may be

re-established by the Regional Parliament, subject to the settlement of the appropriate assets.

3. The benefits offered by the aforesaid health insurance funds to their members must not be inferior to those of the aforementioned institute.

#### Art. 7

1. Following consultation of the population concerned, new communes may be set up and their boundaries and names may be changed by regional laws.

2. Such changes, if they affect the territorial boundaries of State offices, shall not come into effect until two months after the publication of the provision in the Official Bulletin of the Region.

### Chapter III - Functions of the Provinces

#### Art. 8

1. Within the limits set out in Article 4, the Provinces shall have the power to issue laws on the following matters:

1. Regulation of provincial offices and their personnel;
2. Place names, without prejudice to the requirement for bilingualism in the territory of the Province of Bolzano/Bozen;
3. Protection and preservation of the historic, artistic and popular heritage;
4. Local customs and traditions and cultural institutions (libraries, academies, institutes, museums) at provincial level; local artistic, cultural and educational events and activities, and in the Province of Bolzano/Bozen, also through the media of radio and television, but without the power to set up radio and television stations;
5. Town planning and town planning schemes;
6. Protection of the countryside;
7. Common rights;
8. Regulation of small holdings in accordance with Article 847 of the Civil Code; regulation of "entailed farms" and family holdings governed by ancient statutes or customs;
9. Artisan activities;



10. Housing, totally or partly subsidised by public funds, including facilities for construction of public housing in areas struck by disaster, and activities undertaken in the Province by extra-provincial bodies with public funds;
11. Lake harbours;
12. Fairs and markets;
13. Prevention and emergency measures in the event of public disasters;
14. Mines, including mineral and thermal waters, quarries and peat bogs;
15. Hunting and fishing;
16. Alpine pastures and parks for the protection of flora and fauna;
17. Roads, aqueducts and public works in the Province;
18. Communications and transport in the Province, including the technical regulation and management of cable-car systems;
19. Direct engagement of public services and their management through special departmental units;
20. Tourism and the hotel industry, including guides, alpine bearers, ski instructors and ski schools;
21. Agriculture, forests and forestry personnel, cattle and fish breeding, plant pathology institutes, agricultural consortia, and experimental stations, hail protection services, land reclamation;
22. Expropriation for public use for all matters of provincial competence;
23. Establishment and functioning of municipal and provincial commissions for assistance and advice to workers on employment;
24. Third, fourth and fifth category water works;
25. Public assistance and welfare;
26. Nursery schools;
27. School welfare in regard to those educational sectors in which the Provinces have legislative competence;
28. School buildings;
29. Vocational training.

## Art. 9

1. The Provinces shall issue laws, within the limits set out in Article 5, on the following matters:

1. Local urban and rural police;
2. Primary and secondary education (middle schools, classical, scientific, teacher-training, technical, further education and artistic secondary schools);
3. Commerce;
4. Apprenticeship; employment cards; categories and qualifications of workers;
5. Establishment and functioning of municipal and provincial control commissions on employment;
6. Public entertainment in so far as public safety is concerned;
7. Commercial businesses, without prejudice to the requirements of State laws for obtaining licences, the supervisory powers of the State for reasons of public safety, and the power of the Ministry of the Interior to annul in accordance with national legislation the provisions adopted in the matter, however definitive. Ordinary appeals procedure against such action shall take place within the framework of the provincial autonomy;
8. Increase in industrial production;
9. Use of public waters, except for large-scale diversions for hydro-electric purposes;
10. Hygiene and health, including health care and hospital assistance;
11. Sport and recreation with relative facilities and equipment;

## Art. 10

1. In order to integrate the provisions of State laws, the Provinces shall have the power to issue laws in regard to employment and work placement with the power to make use of the outlying offices of the Ministry of Labour, until the establishment of their own offices, for the exercising of administrative powers linked to the legislative powers belonging to the Provinces in matters of employment.

2. The municipal employment offices will be chosen and nominated by State bodies, having consulted the President of



the Province and the Mayors concerned.

3. Citizens resident in the Province of Bolzano/Bozen will be entitled to precedence in the allocation of employment within their Province, excluding any distinction based on their linguistic group or length of residence in the Province.

#### Art. 11

1. The Province may authorise the opening and the transfer of branches of local, provincial or regional credit institutions, following consultation with the Ministry of the Treasury.

2. The authorisation to open and transfer to the Province branches of other credit institutions shall be given by the Ministry of the Treasury, following consultation with the Province concerned.

3. The Province shall appoint the Chairman and Vice-Chairman of the Savings Bank, following consultation with the Ministry of the Treasury.

#### Art. 12

1. With regard to concessions for large-scale diversions for hydro-electric purposes and extension to their term, the territorially competent Provinces shall have the power to present their observations and objections at any time before the publication of the final decision by the Higher Council for Public Works.

2. The Provinces shall also have the right to appeal to the Higher Courts for Public Waters against decrees granting concessions or extensions.

3. The Presidents of the territorially competent Provinces or their delegates shall be invited to attend meetings of the Higher Council for Public Works dealing with the proceedings outlined in the first paragraph, in an advisory capacity.

4. The Ministry responsible shall adopt measures relating to the activities of the National Electricity Board (ENEL) in the Region, following consultation with the Province concerned.

#### Art. 13

1. With regard to concessions of large-scale diversions for hydro-electric purposes, the concessionaires shall be obliged to supply annually and free of charge to the Provinces of



Bolzano/Bozen and Trento, for public services and categories of users to be determined by Provincial law, 220Kwh. for every kW of average nominal power conceded, to be delivered to the generating station or along the high-tension transport and distribution cable connected to the generating station, at the point most convenient for the Province.

2. The Provinces shall also establish by law the criteria for determining the price of the above-mentioned energy ceded to the distribution agencies, as well as the criteria for consumer rates which, however, must not exceed those fixed by the CIP (Interministerial Committee for Prices).

3. The concessionaires of large-scale diversions for hydro-electric purposes must pay the Provinces, half-yearly, 6.20 lire for every kWh of unused energy. The per unit compensation mentioned above will vary in relation to changes of not less than 5 per cent of ENEL's average electricity sale price, as stated in the Board's annual final statement.

4. Applications for concessions for large-scale hydro-electric diversions presented in the Provinces of Trento and Bolzano/Bozen, in competition, by ENEL and local bodies determined on the basis of subsequent State law shall be dealt with by the Minister of Public Works in agreement with the Minister for Industry, Commerce and Artisan Enterprise, and with the agreement of the Province territorially concerned.

#### Art. 14

1. The Province must be consulted in the case of concessions granted in the field of communications and transport when lines cross provincial territory.

2. The Province must also be consulted in regard to first and second category water works. The State and the Province must agree beforehand an annual plan for co-ordinating the water works falling within their respective competencies.

3. The use of public water by the State and the Province, within the framework of their respective competencies, shall be based on a general plan drawn up in agreement between representatives of the State and the Province at a special committee.



### Art. 15

1. Unless the general rules on economic planning provide for a different system of financing, the Ministry of Industry, Commerce and Artisan Enterprise shall assign to the Provinces of Trento and Bolzano/Bozen quotas of the annual allocations contained in the State budget for the implementation of State laws to finance increases in industrial activity. The quotas shall be fixed following consultation with the Province and take into account the sums allocated in the State budget and the needs of the population in the Province concerned. The use of the sums allocated shall be agreed between the State and the Province. Should the State intervene with its own funds in the Provinces of Trento and Bolzano/Bozen in order to carry out special national school building plans, these funds shall be used in agreement with the Provinces.

2. The Province of Bolzano/Bozen shall use its own funding allocated for welfare, social and cultural purposes in direct proportion to the extent of each linguistic group and with reference to the needs of this group, except in the case of extraordinary events requiring immediate intervention for special requirements.

3. The Province of Trento shall ensure the allocation of funding to an appropriate extent in order to promote the protection and the cultural, social and economic development of the Ladin, Mocheni and Cimbrian populations resident in its territory, taking into account their size and specific needs.

## Chapter IV

### Provisions common to the Region and the Provinces

### Art. 16

1. For the matters and within the limits in which the Region or the Province may issue laws, the relative administrative powers which, on the basis of previous regulations, were vested in the State, shall be exercised respectively by the Region and the Province.

2. The powers granted to the Provinces under laws currently

in force shall remain unaltered in so far as they are compatible with the present Statute.

3. The State may also delegate by law its administrative functions to the Region, to the Province and to other local public bodies. In this case the cost of carrying out these functions shall be borne by the State.

4. The delegation of administrative functions of the State, even if conferred by the present law, may be modified or revoked by ordinary law of the Republic.

#### **Art. 17**

1. By State law the Region and the Provinces may be given powers to issue laws in relation to subject matters outside their respective competencies as laid down by the present Statute.

#### **Art. 18**

1. The Region shall normally exercise its administrative functions by delegating them to the Provinces, the communes and other local bodies or making use of their offices. Delegation to the Provinces is compulsory for fire protection services.

2. The Provinces may delegate some of their administrative functions to the communes or other local bodies or make use of their offices.

#### **Art. 19**

1. In the Province of Bolzano/Bozen nursery, primary and secondary school teaching shall be provided in the Italian or German mother-tongue of the pupils by teachers of the same mother-tongue. In primary schools, beginning with the second or third year classes, to be established by provincial law according to the binding proposal of the linguistic group concerned, and in secondary schools, the teaching of the second language by teachers for whom it is their mother-tongue shall be compulsory.

2. The Ladin language shall be used in nursery schools and shall be taught in primary schools in Ladin areas. Ladin shall also be used as a teaching language in schools of every type and grade in those areas. In such schools teaching shall be



given on the basis of the same number of hours and final results as Italian and German.

3. Enrolment of a pupil in schools in the Province of Bolzano/Bozen shall follow a simple application by the father or guardian. The father or guardian may appeal against rejection of the application to the autonomous section of the Bolzano/Bozen Regional Court of Administrative Justice.

4. For the administration of Italian language schools, and for the supervision of German language schools and those in the Ladin localities referred to in the second paragraph a school superintendent shall be appointed by the Ministry of Education following consultation with the Provincial Government of Bolzano/Bozen.

5. For the administration of German language nursery, primary and secondary schools, a school inspector shall be appointed by the Provincial Government of Bolzano/Bozen, following consultation with the Ministry of Education, from a list of three made up of representatives from the German language group in the Provincial Schools Council.

6. For the administration of the schools referred to in paragraph 2 of the present article, the Ministry of Education shall appoint a school inspector from a list of three made up of representatives from the Ladin linguistic group in the Provincial Schools Council.

7. The Ministry of Education, in agreement with the Province of Bolzano/Bozen, shall appoint the chairmen and the members of the Boards for State Examinations in German language schools.

8. In order to ensure equivalence of final diplomas the Higher Education Council must be consulted in regard to the teaching programmes and examinations in schools in the Province of Bolzano/Bozen.

9. The administrative personnel of the Education Superintendency, of secondary schools and of school inspectorates and education management shall come under the authority of the Province of Bolzano/Bozen, while remaining at the service of the schools corresponding to their mother tongue.

10. Without prejudice to the principle that teachers shall

come under the authority of the State, powers regarding transfer, leave of absence, temporary leave and disciplinary measures including suspension for one month without pay shall be devolved to the superintendent responsible for German language schools and to that for the schools referred to in paragraph 2, with regard to the teaching staff of the schools falling under their respective competencies.

11. Measures taken by schools inspectors in accordance with the above paragraph may be the subject of an appeal to the Ministry of Education, which shall take the final decision, following consultation with the Schools Superintendent.

12. The Italian, German and Ladin linguistic groups shall be represented in the Provincial Schools Council and the Provincial Disciplinary Council for Teachers.

13. Teachers' representatives in the Provincial Schools Council shall be elected by the teaching personnel in proportion to the number of teachers in the respective linguistic groups. The number of representatives of the Ladin group must not, however, be less than three.

14. In addition to carrying out duties laid down by existing laws, the Schools Council must be consulted with regard to the opening and closing of schools, teaching programmes and timetables, the subject matter taught and its composition.

15. With regard to the possible establishment of universities in Trentino-Alto Adige/Südtirol the State must first consult the Region and the Province concerned.

## Art. 20

1. The Presidents of the Provinces shall exercise the powers belonging to the police authorities, laid down by existing laws, as regards dangerous industries, trades which create noise or disturbance, shops and businesses, agencies, printing works, itinerant trades, workers and domestic servants, the mentally ill, drug addicts and beggars, and minors under the age of eighteen.

2. In order to exercise the aforementioned powers the Presidents of the Provinces shall make use of the State police force, namely the local, metropolitan and rural police.



3. Other powers which laws on police matters assign to the Prefect shall be entrusted to the Police Commissioners.
4. The powers devolved to Mayors, as public officials responsible for policing or to attached officials of the police force shall remain unchanged.

#### Art. 21

1. Provisions adopted by the State for reasons of public order which affect, suspend or otherwise limit the effectiveness of powers of the Presidents of the Provinces on police matters or other provisions concerning provincial competence shall be issued after consultation with the President of the Province concerned, whose opinion must be given within the time limit specified in the request.

#### Art. 22

1. In order to ensure observance of regional and provincial laws and regulations the President of the Region and the Presidents of the Provinces may request the intervention and assistance of the State police or the local urban and rural police.

#### Art. 23

1. The Region and the Provinces shall apply, according to the regulations contained in the respective laws, the penal sanctions which State laws specify for such cases.

## PART II - Organs of the Region and the Provinces

### Chapter I - Organs of the Region

#### Art. 24

1. The organs of the Region shall be: the Regional parliament, the Regional Government and the President of the Region.

#### Art. 25

1. The Regional Parliament shall be made up of the members of the Provincial Parliaments of Trento and Bolzano/Bozen.
2. To exercise the right to vote in the Province of Bolzano/Bozen

an uninterrupted period of four years residence in the territory of the Region shall be required. To exercise the right to vote in the Province of Trento an uninterrupted period of one year's residence in the territory of the Province shall be required. The elector who has been resident in the Region for an uninterrupted period of four years shall, for the purposes of elections of the Provincial Parliaments, be put on the electoral register of the commune of the Province in which he has spent the greater part of his four years residence. In the case of periods of residence of equal length he shall be placed on the electoral register of the commune of his latest residence. For the elections of the Provincial Parliaments and Municipal Councils envisaged in article 63, until the four year period has been completed, the elector shall exercise his right to vote in the commune of his previous residence.

#### **Art. 26**

1. The Regional Parliament shall exercise the legislative power granted to the Region and the other functions conferred on it by the Constitution, the present Statute, and other State laws.

#### **Art. 27**

1. The activities of the Regional Parliament shall take place in two sessions of equal length held alternately in the cities of Trento and Bolzano/Bozen.

2. The new Parliament shall meet within twenty days of the proclamation of the election of the Provincial Parliaments of Trento and Bolzano/Bozen, such meeting having been called by the President of the Region in office.

#### **Art. 28**

1. The members of the Regional Parliament shall represent the whole region.

2. They cannot be made to answer for opinions expressed or votes cast during the exercising of their functions.

3. The role of member of the Regional or Provincial parliament is not compatible with the role of member in one of the Chambers, of another Regional Parliament or the European Parliament.



### Art. 29

(repealed)

### Art. 30

1. The Regional Parliament shall elect the President, two Vice-Presidents and the Secretaries from among its members.

2. The President and Vice-Presidents shall remain in office for two and a half years.

3. In the first thirty months of the term of the Regional Parliament the President shall be elected from among the members of the Regional Parliament belonging to the Italian linguistic group. For the subsequent period the President shall be elected from the members belonging to German linguistic group. A member belonging to the Ladin linguistic group may be elected, subject to agreement, for the respective period by the majority of members from the Italian or German linguistic groups. The Vice-Presidents shall be elected from among the members belonging to linguistic groups different from that of the President.

4. In the event of the resignation or death of the President or Vice-Presidents of the Regional Parliament or if they should cease to carry out their duties for any other reason, the Parliament shall provide for the election of a new President or Vice-President, according to the provisions of the third paragraph. The election must take place at the next sitting, and shall remain in effect until the expiry of the current two and a half year period.

5. The Vice-Presidents shall assist the President, who shall choose the Vice-President who is to replace him in the event of his absence or other impediment.

### Art. 31

1. The rules governing activities of the Regional Parliament shall be established by internal regulations approved by an absolute majority of the members of the Regional Parliament.

2. The internal regulations shall also establish the rules for determining which linguistic group members belong to.



### Art. 32

1. A President or Vice-President of the Regional Parliament who does not fulfil the duties of his office may be removed by a majority vote of that parliament.
2. For this purpose an emergency meeting of the Regional Parliament may be convened at the request of at least one-third of the members.
3. Should the President or Vice-Presidents of the Regional Parliament fail to convene a meeting within fifteen days of the request, the Regional Parliament shall be convened by the President of the Region.
4. Should the President of the Region fail to convene the Regional Parliament within fifteen days of the expiry of the period indicated in the preceding paragraph, the meeting shall be convened by the Government Commissioner.
5. (repealed)

### Art. 33

1. The grounds for dissolution described in article 49 b, first and second paragraph shall be extended to the Regional Parliament. In the event of dissolution of the Regional Parliament new elections for the Provincial Parliaments shall be called within three months.
2. Dissolution shall be effected according to the procedures foreseen by article 49 b. A commission of three members shall be nominated following the decree of dissolution, made up of three members, one of whom is German-speaking, to be chosen from citizens eligible for election to the Provincial Parliament.
3. Provincial Parliaments which have been dissolved shall continue to carry out their functions until the election of the new Provincial Parliaments.

### Art. 34

1. Ordinary sessions of the Regional Parliament shall be convened by the President in the first week of each six-month period; extraordinary sessions may be called at the request of the Regional Government, or the President thereof or at the request of at least one-fifth of the members of the Regional



Parliament in office, as well as in cases provided for in the present statute.

#### Art. 35

1. On matters that are not within the competence of the Region but which may be of special interest to it the Regional Parliament may vote draft proposals and laws. In both cases they shall be sent by the President of the Region to the Government for submission to the Chambers and copies shall be forwarded to the Government Commissioner.

#### Art. 36

1. The Regional Government shall be made up of the President of the Region, who chairs it, two Vice-Presidents and regular and substitute members of the Regional Government.

2. The President, the Vice-Presidents and the members of the Regional Government shall be elected by the Regional Parliament from among its members by secret ballot and with an absolute majority.

3. The composition of the Regional Government must reflect the extent of the linguistic groups which are represented in the Regional Parliament. One Vice-President shall belong to the Italian linguistic group and the other to the German linguistic group. The Ladin linguistic group is guaranteed representation in the Regional Government, even derogating from proportional representation.

4. The President shall choose the Vice-President to replace him in case of absence or other impediment.

5. Substitute members shall replace the regular members in their respective functions taking into account the linguistic group of those replaced.

#### Art. 37

1. The President and members of the Regional Government shall remain in office during the term of the Regional Parliament, and after the expiry of the latter shall conduct only normal administrative affairs until the appointment of the President and members of the Government by the new Parliament.

2. The members of the Regional Government belonging to a

dissolved Provincial Parliament shall continue to remain in office until the election of the new Provincial Parliament.

#### **Art. 38**

1. The President of the Region or members of the Regional Government who fail to carry out their duties as established by law shall be dismissed by the Regional Parliament.

2. (repealed)

#### **Art. 39**

1. If, due to the death, resignation or dismissal it becomes necessary to replace the President of the Region or a member, the President of the Regional Parliament shall convene a meeting of the Parliament within fifteen days.

#### **Art. 40**

1. The President of the Region shall represent the Region.

2. He shall attend meetings of the Council of Ministers when questions affecting the Region are discussed.

#### **Art. 41**

1. The President of the Region shall manage the administrative functions delegated by the State to the Region, in conformity with the instructions of the Government.

#### **Art. 42**

1. The President of the Region shall decide on the allocation of responsibilities to individual regular members of the Regional Government, according to decree to be published in the Official Bulletin of the Region.

#### **Art. 43**

1. The President of the Region shall promulgate by decree the regulations decided by the Regional Government.

#### **Art. 44**

1. The Regional Government is the executive organ of the Region. Its responsibilities shall be:

a) To decide upon the regulations for the enactment of laws approved by the Regional Parliament;



- b) The administration of affairs that affect the Region;
- c) The administration of the property of the Region, as well as control of the management, through special departmental units, of regional public services of an industrial or commercial nature;
- d) Other duties required of it by the existing law or by other provisions;
- e) The adoption, in urgent cases, of measures within the competence of the Regional Parliament; these shall be submitted to the Parliament for ratification at its first sitting thereafter.

#### Art. 45

1. The Regional Government must be consulted regarding the establishing and regulation of national communications and transport services of special interest to the Region.

#### Art. 46

1. The Regional Parliament may delegate to the Regional Government any of the functions within its own competence, with the exception of the issuing of legislation.

## Chapter II - Organs of the Province

#### Art. 47

1. The organs of the Province are: the Provincial Parliament, the Provincial Government and the President of the Province.

2. In harmony with the constitution and the principles of the legal system, the respect of international obligations and observing the provisions of this statute, provincial law, approved by an absolute majority of the members of the Provincial Parliament, shall determine the form of government of the Province and, specifically, the manner of election of the Provincial Parliament, the President of the Province and members of the Provincial Government, the relationships between the organs of the Province, the presentation and approval of a grounded motion of no-confidence in the President of the Province, cases of ineligibility and incompatibility with the aforesaid roles, in addition to the exercising of the right to referenda on provincial laws and provincial referenda abrogating laws, con-

taining proposals or advisory referenda. In order to achieve a balance in the representation of the sexes, the same law promotes conditions of equality for access to elections. The concomitant resignation of the majority of the members of the Provincial Parliament will lead to the dissolution of Parliament and the concomitant election of the new Parliament and the President of the Province, if elected by universal and direct suffrage. In the event that the President of the Province is elected by the Provincial Parliament, the Parliament shall be dissolved when it is no longer capable of functioning due to the impossibility of forming a majority within ninety days of the elections or from the resignation of the President.

3. In the Autonomous Province of Bolzano/Bozen the Provincial Parliament shall be elected using the proportional system. If it foresees the election of the President of the Province of Bolzano/Bozen by universal and direct suffrage, provincial law shall be approved with a majority of two thirds of the members of the Provincial Parliament.

4. Provincial laws described in the second and third paragraphs shall not be communicated to the Government Commissioner according to the first paragraph of article 55. The Government of the Republic may raise the issue of constitutional legitimacy as regards them with the constitutional court within thirty days of their publication.

5. Provincial laws described in the second paragraph shall be subjected to a provincial referendum, the regulation of which is foreseen by the special law for each Province, if within three months of their publication one fiftieth of the electors or one fifth of the Provincial Parliament so request. The law subjected to referendum shall not be promulgated if it is not approved by a majority of the valid votes.

6. If the laws are approved by a majority of two thirds of the members of the Provincial Parliament a referendum shall only take place if within three months of their publication the request is signed by one fifteenth of those entitled to vote for the election of the Provincial Parliament.



#### Art. 48

1. Each Provincial Parliament shall be elected by universal, direct and secret suffrage and shall be made up of thirty-five members, remaining in office for a term of five years. The five-year term begins on the date of the elections. Elections are held concomitantly on the same day. If one Provincial Parliament should be renewed in advance of the others, it shall remain in office until the expiry of the five-year term of the Parliament which has not been renewed.

2. The laws for the election of the Provincial Parliament of Bolzano/Bozen guarantee representation of the Ladin linguistic group.

3. One seat in the Provincial Parliament of Trento shall be assigned to the territory containing the communes of Moena, Soraga, Vigo di Fassa, Pozza di Fassa, Mazzin, Campitello di Fassa and Canazei, where the Ladin-Dolomitic linguistic group of Fassa is settled. It shall be attributed according to the provisions established by the law described in the second paragraph of article 47.

4. Elections of the new Provincial Parliament shall be called by the President of the Province and shall take place in the period between the fourth Sunday before and the second Sunday following the completion of the five-year term. The decree calling the elections shall be published not more than forty-five days before the date established for voting.

5. The first meeting of the new Provincial Parliament shall take place not more than twenty days from the proclamation of the members elected and is called by the President of the Province in office.

#### Art. 48b

1. The members of the Provincial Parliament represent the whole Province. Before being admitted to exercise their role they shall take an oath to respect the constitution.

2. The members of the Provincial Parliament cannot be made to answer for opinions expressed or votes cast during the exercising of their functions.

#### Art. 48c

1. The Provincial Parliament of Trento shall elect a President, a Vice-President and the secretaries from among its members.

2. The Provincial Parliament of Bolzano/Bozen shall elect a President, two Vice-Presidents and the secretaries from among its members. The Vice-Presidents shall be elected from among the members belonging to linguistic groups different from that of the President. The President shall designate the Vice-President called upon to substitute him in the event of his absence or impediment.

3. For the first thirty months of the term of the Provincial Parliament of Bolzano/Bozen the President shall be elected from among the members belonging to the German linguistic group; for the subsequent period the President shall be elected from among the Italian-speaking members. A member belonging to the Ladin linguistic group may be elected, subject to the approval for the respective periods of the German or Italian linguistic groups.

#### Art. 49

1. The provisions of Articles 31, 32, 34, 35 and 38 shall apply the Provincial Parliaments, in so far as they are compatible with these.

#### Art. 49b

1. The Provincial Parliament may be dissolved if it commits acts contrary to the Constitution or serious violations of the law or does not substitute the Provincial Government or President in the event that they have committed similar acts or violations.

2. The Provincial Parliament may also be dissolved for reasons of national security.

3. Dissolution shall be effectuated through grounded decree by the President of the Republic, following a resolution of the Council of Ministers and having consulted a Commission of members of parliament and senators set up to consider regional matters, in the manner established according to the laws of the Republic.

4. With the same decree of dissolution a commission of three members shall be nominated, chosen from among citizens



eligible for election to the Provincial Parliament. For the Province of Bolzano/Bozen the commission must comply with the extent of the linguistic groups making up the population of the Province. The Commission shall elect one of its members as President and he shall be invested with the powers of the President of the Province. The Commission shall arrange for elections of the Provincial Parliament to be held within three months, and shall adopt measures within the competence of the Provincial Government and those which cannot be delayed. The latter shall lose their effect if not ratified by the Provincial Parliament within one month of its convocation.

5. The new Parliament shall be convened by the Commission within twenty days of the elections.

6. The dissolution of the Provincial Parliament does not entail the dissolution of the Regional Parliament. The members of the dissolved Provincial Parliament shall continue to exercise their functions as members of the Regional Parliament until the election of the new Provincial Parliament.

7. Dismissal of the President of the Province shall be ordered by grounded decree of the President of the Republic and in observance with the provisions of paragraph three, if he was elected by universal and direct suffrage, in the event of his committing acts contrary to the Constitution or repeated and grave violations of the law. His removal may also be decreed for reasons of national security.

#### Art. 50

1. The Provincial Government of Trento shall be made up of the President, the Vice-President and the members of the Provincial Government. The Provincial Government of Bolzano/Bozen shall be made up of the President, two Vice-Presidents and members of the Provincial Government

2. The composition of the Provincial Government of Bolzano/Bozen must reflect the numerical strength of the linguistic groups as represented in the Provincial Parliament. Members of the Provincial Government of Bolzano/Bozen who do not belong to the Parliament shall be elected by the Provincial Parliament itself, with a majority of two thirds of its



members, on the proposal of one or more groups within the parliament, so long as there is the agreement of the members of the linguistic group of those designated, as regards the members who make up the majority supporting the Provincial Government. One of the Vice-Presidents shall belong to the German linguistic group and the other to the Italian linguistic group. The President shall chose the Vice-President called on to replace him in the event of his absence or other impediment.

3. The Ladin linguistic group may be given representation in the Provincial Government of Bolzano/Bozen, even derogating from proportional representation. In the event that there is only one Ladin representative in the Provincial Parliament and that he is elected to the Government, he must renounce the office of President or Vice-President of the Provincial Parliament.

4. The approval of a motion of no confidence in the President of the Province elected by universal and direct suffrage, or his dismissal or resignation shall lead to the resignation of the Provincial Government and the dissolution of the Provincial Parliament.

#### **Art. 51**

1. The provisions contained in Article 37 shall apply to the President and members of the Provincial Government, in so far as these are compatible.

#### **Art. 52**

1. The President of the Province shall be the representative of the Province.

2. He shall take all necessary and emergency measures in on of safety and public health when the interests of the populations of two or more communes are involved.

3. The President of the Province shall decide on the allocation of responsibilities to individual regular members according to decree published in the Official Bulletin of the Region.

4. He shall attend meetings of the Council of Ministers when questions affecting the Province are discussed.

#### **Art. 53**

1. The President of the Province shall enact regulations



decided by the Provincial Government by decree.

#### Art. 54

1. The responsibilities of the Provincial Government are:

- a) To decide upon the regulations for the enactment of laws approved by the Provincial Parliament;
- b) To decide upon regulations on matters which, according to legislation in force, are devolved to the regulatory powers of the Provinces;
- c) The administration of affairs that affect the Province;
- d) The administration of the property of the Province, as well as control over the management of special provincial departmental units providing public services;
- e) The supervision and protection of municipal administrations, public welfare and charitable institutions, consortia and other local bodies and institutes, including the power to suspend and dissolve organs according to the law. In the aforementioned cases and when the administrations concerned are not, for whatever reason, in a position to function the Provincial Government may appoint Commissioners, who must be chosen, in the Province of Bolzano/Bozen, from the linguistic group which has the majority of administrators within the most representative organ of the body.

The extraordinary provisions indicated above remain the responsibility of the State when reasons of public order are concerned or when referred to communes with a population of more than 20,000 inhabitants.

- f) Other powers referred to the Province by the present Statute or other laws of the Republic or the Region.
- g) The adoption, in emergencies, of measures within the competence of the Parliament; these shall be submitted to the Parliament for ratification at its first sitting thereafter.

## PART III - Approval, Promulgation and Publication of Regional and Provincial Laws and Regulations

### Art. 55

1. Bills approved by the Regional or Provincial Parliament shall be communicated to the Government Commissioner in Trento in the case of the Region or the Province of Trento, and to the Government Commissioner in Bolzano/Bozen in the case of the Province of Bolzano/Bozen. Bills shall be promulgated thirty days after their communication, unless the Government refers them back to the Regional or Provincial Parliament respectively on the grounds that they exceed their respective competencies or conflict with national interests or with those of one of the two Provinces in the Region.

2. If they are again approved by the Regional or Provincial Parliament by an absolute majority of their members, they shall be promulgated if within fifteen days of their communication, the Government does not contest their legality before the Constitutional Court or raise the issue of conflict of interests before the Italian Parliament. In case of doubt the Court shall decide the competent authority.

3. If a law is declared urgent by the Regional or Provincial Parliament by an absolute majority of their respective members, if the Government consents, its promulgation and coming into effect shall not be subject to the time limits stated above.

4. Regional and provincial laws shall be promulgated by the President of the Region or by the President of the Province respectively and approved by the Government Commissioners responsible.

### Art. 56

1. If a bill is considered prejudicial to the equality of rights between citizens of the different linguistic groups or to the ethnic and cultural characteristics of the groups themselves, the majority of the members of a linguistic group in the Regional Parliament or Provincial Parliament of Bolzano/Bozen may request a vote by linguistic groups.

2. If the request for separate voting is not accepted, or if the bill is approved notwithstanding the contrary vote of two-thirds of the members of the linguistic group which had put forward the request, the majority of that group may contest the law



before the Constitutional Court within thirty days of its publication, for the reasons set out in the preceding paragraph.

3. The appeal shall not have the effect of suspending the law.

#### Art. 57

1. Regional and Provincial laws and regulations shall be published in the Official Bulletin of the Region in Italian and German, and come into effect on the fifteenth day following their publication, unless the law provides otherwise.

2. In the event of doubt, interpretation of the regulations will take place on the basis of the text in Italian.

3. A copy of the Official Bulletin shall be sent to the Government Commissioner.

#### Art. 58

1. Laws and decrees of the Republic that concern the Region shall also be published in the Official Bulletin in German, without prejudice to their coming into effect.

#### Art. 59

1. Laws approved by the Regional and Provincial Parliaments and regulations issued by the Regional Government and by the Provincial Governments shall be published, for information, in a special section of the Official Gazette of the Republic.

#### Art. 60

1. The procedure governing use of the right to petition and referenda regarding regional laws, shall be regulated by regional law.

## PART IV - Local Bodies

#### Art 61

1. The regulations for local public bodies shall contain provisions to ensure the proportional representation of linguistic groups in the composition of the organs of those bodies.

2. In communes in the Province of Bolzano/Bozen each linguistic group has the right to be represented in the Municipal

Government if there are at least two members belonging to that group in the Municipal Council.

#### Art. 62

1. Regulations on the composition of the corporate organs of local and public bodies in the Province of Bolzano/Bozen shall guarantee representation of the Ladin linguistic group.

#### Art. 63

1. To exercise active electoral rights in elections of Municipal Councils in the Province of Bolzano/Bozen the provisions of the last paragraph of Article 25 shall apply.

#### Art. 64

1. The State shall control the organisation and functioning of public bodies that also carry out their activities outside the territory of the Region.

#### Art. 65

1. The organisation of municipal staff shall be regulated by the communes themselves, within the limits of general principles that may be laid down by regional law

### PART V - Public Property and Estate of the Region and Provinces

#### Art. 66

1. Roads, motorways, railways, and aqueducts that are of exclusive regional interest and which shall be determined by the executive measures implementing the present Statute shall constitute the public property of the Region.

#### Art. 67

1. State-owned forests in the Region, mines, quarries and peat-bogs, in so far as user rights have been withdrawn from the owner of the property, buildings intended for use as regional public offices together with their fittings, and other property intended for regional public service shall constitute the inalienable property of the Region.



2. The immovable property of the State in the Region shall become the property of the Region.
3. The means by which the State will transfer the above-mentioned property to the Region shall be laid down in the executive measures to the present Statute.
4. Ownerless immovable property in the Region shall become the property of the Region.

#### Art. 68

1. In connection with the new subject matters falling within their competence, the Provinces shall succeed to the property, property rights and immovable property of the State and the Region in their respective territories, excluding military property, services of a national character and matters of regional competence.

### PART VI - Finance of the Region and the Provinces

#### Art. 69

1. The revenue from mortgage taxes collected on property situated in its territory shall be assigned to the Region.
2. The following quotas of State tax revenue collected in the territory of the Region shall also be assigned to the Region:
  - a) 9/10 of the revenue obtained from inheritance duties and gifts and from the net value of inheritances;
  - b) 2/10 of value-added tax, excluding that on imports, net of reimbursements carried out under Article 38 b of the Decree of the President of the Republic of 26 October 1972, n. 633, and subsequent amendments;
  - c) 9/10 of the revenue from lotteries, net of winnings;
  - d) 1/20 of the value-added tax on imports collected in the territory of the Region.

#### Art. 70

1. The income from tax collected on electrical energy consumed in their respective territories shall be assigned to the Provinces.

#### Art. 71

1. 9/10 of the annual rent established by law and payable for concessions of large-scale diversions of public water in the Province, granted or to be granted for whatever purpose, shall be assigned by the State to the Province.

#### Art. 72

1. The Provinces may impose levies and taxes on tourism.

#### Art. 73

1. The Region and the Provinces may, by law, levy their own taxes in conformity with the taxation system of the State in matters of their respective competence.

#### Art. 74

1. The Region and the Provinces may issue internal loans on their own guarantee for an amount not exceeding their normal income in order to provide for investments in works of a permanent character.

#### Art. 75

1. The Provinces shall be assigned the following quotas of the yield from the tax revenues of the State indicated below, collected in their respective territories:

- a) 9/10 of registration taxes and stamp duty, as well as Government concession taxes;
- b) 9/10 of the road taxes on vehicles registered in their respective territories;
- c) 9/10 of the duty obtained from the consumption of tobacco sold in the territories of the two Provinces;
- d) 7/10 of value-added tax, excluding that on imports, net of reimbursements carried out under Article 38-bis of the Decree of the President of the Republic of 26 October 1972, n. 633, and subsequent amendments;
- e) 4/10 of the value-added tax on imports collected in the territory of the Region, to be divided in the proportion of 53 per cent to the Province of Bolzano/Bozen and 47 per cent to the Province of Trento;
- f) 9/10 of the yield from the tax on petrol, on gas-oil for traction



engines and on liquefied gas for traction engines supplied from distribution plants situated in the territories of the two Provinces;

g) 9/10 of all other State revenue direct or indirect, however designated, including local income taxes, excepting those belonging to the Region or other public bodies.

2. Also included in the above-mentioned proportions shall be the income brought into the Province by and outgoing payments made to offices situated outside the territories of the respective Provinces, as a result of legislative or administrative provisions.

#### **Art. 76**

(replaced by new article 75)

#### **Art. 77**

(replaced by new article 75)

#### **Art. 78**

1. In order to ensure that the Autonomous Provinces are in a financial position to achieve the objectives and carry out the functions prescribed by law, they shall be assigned a quota not exceeding 4/10 of the yield from value-added tax on imports collected within the territory of the Region, to be divided in the proportion of 47 per cent to the Province of Trento and 53 per cent to the Province of Bolzano/Bozen. Without prejudice to the contents of Article 15 of the statute and the relative executive measures, the transfer shall take place without the obligation to apply it to specific objectives.

2. In determining the said proportion account shall be taken, on the basis of population and territory, also of general State expenditure in the rest of the national territory in those sectors of provincial competence. The proportion shall be decided annually by agreement between the Government and the President of the Province.

#### **Art. 79**

1. The provisions of Article 119, paragraph three, of the Constitution shall also apply to the Autonomous Provinces of Tren-



to and Bolzano/Bozen.

#### Art. 80

1. Within the limits laid down by Article 5, the Provinces shall have legislative power in matters of local finance.

#### Art. 81

1. In order to satisfy the requirements of bilingualism the Province of Bolzano/Bozen may assign additional funds to the communes.

2. In order to ensure that the communes are in a financial position to achieve the objectives and carry out the functions prescribed by law, the Provinces of Trento and Bolzano/Bozen shall provide the communes with the necessary financial means, to be agreed between the President of the relative Province and joint representation of the respective communes.

#### Art. 82

1. The Region and the Provinces shall collaborate in the assessment of State taxes on the income of bodies with fiscal residence in their respective territories.

2. With this scope the Regional Government and the Provincial Governments may, before the 31 December of the year preceding that in which the time-limit for the assessment expires, notify the financial offices of the State in the Region and in the Provinces of data, facts and matters relevant for the determination of a greater taxable amount, and provide the appropriate documentation to prove the same.

3. The financial offices of the State in the Region and in the Provinces must inform the respective Governments of the measures taken as a result of the information received.

#### Art. 83

1. The Region, the Provinces and the communes shall have their own budget for the financial year, which shall coincide with the calendar year.

#### Art. 84

1. The budgets prepared by the Regional or Provincial Govern-



ments and the financial statements accompanying the report of the government shall be approved by regional or provincial law respectively.

2. At the request of the majority of a linguistic group, voting on the individual chapters of the budgets of the Region and that of the Province of Bolzano/Bozen shall take place by linguistic group.

3. The budget items which do not obtain a majority of votes with each linguistic group shall be referred within three days to a Commission of four members of the Regional or Provincial Parliaments, elected by the respective Parliaments at the beginning of the legislature and for its duration, composed jointly of members of the two major linguistic groups and in conformity with the nominations of each group.

4. Within 15 days the Commission referred to in the preceding paragraph must determine the definitive designation of the items and the amount of the relative funding, this decision being binding for the Regional Parliament or the Provincial Parliaments. The decision shall be taken by a simple majority, with no member having a casting vote.

5. If the Commission does not reach a majority on a final proposal, the President of the Regional or Provincial Parliament shall, within 7 days, send the draft budget and all the documentation and minutes relating to the discussion held within the Regional Parliament or the Provincial Parliaments and Commission to the autonomous section of the Bolzano/Bozen Regional Court of Administrative Justice which, within 30 days, must decide on items not approved and the amount of relative allocations by arbitration.

6. The aforementioned procedure shall not apply to items relating to income, to items relating to expenditure on allocations inserted on the basis of specific legal provisions for a predetermined amount for the financial year, and to items dealing with the normal running costs of the organs and offices of the relevant body.

7. The decisions referred to in the fourth and fifth paragraphs of this Article are not subject to appeal or recourse before the Constitutional Court.

8. Limited to the items determined by the procedure outlined in the previous paragraphs, the law approving the budget may only be referred back or contested by the Italian Government on grounds of illegality due to violations of the Constitution or of the present Statute.

9. For the approval of the budget and the financial statements of the Region a favourable vote by the majority of the members of the Province of Trento and that of Bolzano/Bozen shall be required. If no such majority is forthcoming, the said approval shall be given by a body at regional level. The said body may not modify the decisions on those items of the budget contested on the basis of the provisions of paragraphs 3, 4, and 5 of this Article and decided according to the procedure envisaged therein.

#### Art. 85

1. To the extent that foreign trade is subject to the limitations and approval of the State, the Region shall have the power to authorise such trade within limits to be established by agreement between the Government and the Region.

2. In the case of foreign trade based on quotas that affect the economy of the Region, the latter shall be assigned a part of the import and export quota, to be fixed by agreement between the Italian Government and the Region.

#### Art. 86

1. The general provisions on currency control issued by the State shall also have effect in the Region.

2. Nevertheless, in order to cover the essential imports of the Region the State shall set aside a proportion of the credit balance between the foreign currencies obtained from exports from Trentino-Alto Adige/Südtirol and those used to pay for imports.



## PART VII - Relations between State, Region and Province

### Art. 87

1. In the territory of the Region there shall be one Government Commissioner for the Province of Trento and one Government Commissioner for the Province of Bolzano/Bozen. Their responsibilities shall be:

a) To co-ordinate, according to Government directives, the exercising of State powers in the Province and to supervise the activities of the respective departments, with the exception of those concerned with the administration of justice, defence and the railways;

b) To supervise the exercising by the Provinces and other local public bodies of the functions delegated to them by the State and to communicate any objections to the President of the Province;

c) To carry out those duties previously required of the Prefect to the extent that they have not been assigned by the present Statute or by other laws to organs of the Region and the Provinces or other organs of the State.

2. The Government Commissioner in Trento shall carry out the duties referred to in no.2 of the previous paragraph with regard to the Region and other public bodies with competence over the entire regional territory.

### Art. 88

1. The Government Commissioner shall provide for the maintenance of public order, for which he is responsible to the Minister of the Interior.

2. To that end he may make use of the organs and police forces of the State, request the use of other armed forces according to current legislation and adopt the measures contained in Article 2 of the Consolidation Act on policing.

3. The responsibilities assigned by current legislation to the Ministry of the Interior shall remain in force

## PART VIII – Lists of personnel employed in State Offices in the Province of Bolzano/Bozen

### Art. 89

1. For the Province of Bolzano/Bozen there shall be established lists of civil service personnel, with separate career structures for employees of administrative departments of the State having offices in the Province. These lists shall be determined on the basis of the staff of the offices concerned, established where necessary by the appropriate regulations.

2. The preceding paragraph does not apply to senior posts in the civil service of the Ministry of the Interior, to personnel in the security services and to the administrative personnel of the Ministry of Defence.

3. The posts in the lists referred to in the first paragraph, drawn up according to administration and career shall be reserved for citizens belonging to each of the three linguistic groups in proportion to the numerical strength of those groups ascertained from the declarations of membership given at the time of the official census of the population.

4. The assignment of posts reserved for German and Ladin-speaking citizens shall be carried out gradually until the quotas referred to in the preceding paragraph have been achieved through new appointments to vacancies which may occur for whatever reason in the individual lists.

5. Personnel in the categories referred to in the first paragraph shall be guaranteed stability of employment in the Province, with the exception of those in administrative departments or careers which require transfer for reasons of service or staff training.

6. Transfers of German-speaking personnel shall not, however, exceed 10% of the total number of posts occupied by them.

7. The provisions on the reservation and proportional representation of posts in the Province of Bolzano/Bozen between the Italian and German linguistic groups shall be extended to the personnel in the judicial and investigative magistracy. Stability of employment in the Province shall be guaranteed without prejudice to the judicial regulations on incompatibility of functions. The criteria for the attribution of posts reserved for German-speaking citizens laid down in the fourth paragraph of the present article shall also apply to personnel in the magistracy in the Province of Bolzano/Bozen.



## PART IX - Jurisdictional Organs

### Art. 90

1. According to regulations to be determined a Regional Court of Administrative Justice shall be established in Trentino-Alto Adige/Südtirol, with an Autonomous Section for the Province of Bolzano/Bozen.

### Art. 91

1. The members of the Section for the Province of Bolzano/Bozen referred to in Article 90 of the present Statute must belong in equal numbers to the two major linguistic groups.

2. Half the members of the Section shall be appointed by the Provincial Parliament of Bolzano/Bozen.

3. Italian-speaking judges and German-speaking judges assigned to the Court shall alternate for equal periods of time as Presidents of the Section. The President shall be appointed from among regular magistrates making up the Bar by decree of the President of the Republic on the recommendation of the President of the Council of Ministers.

4. The President of the Section shall have the casting vote in the event of a tie, except in the case of appeals against administrative measures held to be prejudicial to the principle of equality between the linguistic groups and the procedure for approval of the Regional and Provincial budgets.

### Art. 92

1. Administrative acts of bodies and organs of the public administration having their offices in the Region considered prejudicial to the principle of the equality of citizens in regard to membership of a linguistic group may be contested before the Autonomous Section of the Bolzano/Bozen Regional Court of Administrative Justice by members of the Regional or Provincial Parliaments and, in the case of measures by communes in the Province of Bolzano/Bozen, also by Municipal Councillors of that Province, whenever they are considered prejudicial by a majority of the linguistic group which considers that its rights have been violated.

2. Likewise administrative acts referred to in the first paragraph considered prejudicial to the principle of equality

between Italian, Ladin Mocheni and Cimbrian citizens resident in the Province of Trento may be contested before the Regional Court of Administrative Justice in Trento by members of the Regional or Provincial Parliaments and, in the case of measures by communes, also by Municipal Councillors in the Ladin, Mocheni or Cimbrian areas, whenever they are considered prejudicial by one fifth of the Municipal Council.

#### Art. 93

1. A member from the German-speaking group of the Province of Bolzano/Bozen must form part of those Sections of the Council of State empowered to hear appeals against decisions of the Autonomous Section of the Bolzano/Bozen Regional Court of Administrative Justice referred to in Article 90 of the present Statute.

#### Art. 94

1. The President of the Region, in his capacity as delegate of the President of the Republic, shall be responsible for the appointment, exemption from office, dismissal and removal from office of Justices of the Peace and Deputy Justices, in accordance with other laws governing the establishment of the judiciary.

2. The authorisation to exercise the functions of Clerks and Bailiffs in the offices of the Justices shall be given by the President of the Region to such persons as have the qualifications laid down in the regulations governing the judiciary.

3. The revocation or temporary suspension of the said authorisation shall be made by the same President in those cases provided for in the regulations governing the judiciary.

4. In the communes in the Province of Bolzano/Bozen perfect knowledge of the Italian and German languages shall be required for appointment as Justices of the Peace, Deputy Justices, Clerks and Bailiffs in the offices of the Justices.

#### Art. 95

1. The Provincial Governments shall supervise the offices of the Justices of the Peace.



### Art. 96

1. Separate offices for the Justice of the Peace may be set up by provincial law in communes sub-divided into localities or districts

## PART X - Control by the Constitutional Court

### Art. 97

1. Without prejudice to the measures contained in Articles 56 and 84, paragraphs 6 and 7, of the present Statute, Regional or Provincial laws may be contested before the Constitutional Court for violations of the Constitution or of the present Statute or of the principle of equality between the linguistic groups.

2. Impugnment may be undertaken by the Government.

3. Regional law may also be contested by one of the Provincial Parliaments of the Region, Provincial law by the Regional Parliament or by the other Provincial Parliament in the Region.

### Art. 98

1. Laws and acts having the force of law of the Republic may be contested by the President of the Region or of the Province following a resolution of the respective Parliament, for violation of the present Statute or of the principle of protection of the German and Ladin linguistic minorities.

2. Should an Act by the State encroach upon the sphere of competence assigned by the present Statute to the Region or the Provinces, the Region or the respective Province may appeal to the Constitutional Court for a ruling in regard to the matter of competence.

3. The appeal shall be lodged by the President of the Region or that of the Province, following a resolution by the respective Government.

4. A copy of the notice of impugnment and the appeal on grounds of conflict of competence must be sent to the Government Commissioner in Trento if it concerns the Region or the Province of Trento and to the Government Commissioner in Bolzano/Bozen if it concerns the Province of Bolzano/Bozen.



## PART XI - Use of the German and Ladin Languages

### Art. 99

1. In the Region the German language is made equal to the Italian language, which is the official language of the State. In Acts of a legislative nature and in cases where the present Statute provides for a bilingual text the Italian version shall be the authoritative text.

### Art. 100

1. German-speaking citizens of the Province of Bolzano/Bozen may use their own language in relations with the judicial offices and with the organs and offices of the public administration situated in the Province or which have regional power, as well as with concessionaires who provide public services in the Province.

2. In sittings of the collective organs of the Region, of the Province of Bolzano/Bozen and of local bodies in that Province, the Italian or the German language may be used.

3. The offices, the organs, and the agencies referred to in paragraph one shall use in correspondence and in oral dealings the language of the applicant and shall reply in the language in which proceedings by another body or office have been initiated; in cases when an office initiates correspondence it must use the presumed language of the citizen to whom it is directed.

4. Except in cases expressly provided for - and except for the regulation through executive measures in cases of joint use of the two languages in documents intended for ordinary citizens, in individual documents destined for public use and in documents intended for more than one office - the right to use one or other of the two languages shall be recognised. The requirement to use only the Italian language in organisations of a military nature shall remain unchanged.

### Art. 101

1. In the Province of Bolzano/Bozen the public administrations must use German place names in relations with German-speaking citizens if provincial law has confirmed their existence and approved their idiom.



#### Art. 102

1. The Ladin, Mocheni and Cimbrian populations in the communes of Fierozzo, Frassilongo and Palù del Fersina and Luserna shall have the right to develop their cultural, press and recreational activities as well as to have their place-names and traditions respected.

2. In the schools of the communes in the Province of Trento where Ladin, Mocheni or Cimbrian is spoken, the teaching of the Ladin or German language and culture shall be guaranteed

### PART XII - Final and Transitory Measures

#### Art. 103

1. For amendments to the present Statute the procedure laid down by the Constitution in relation to constitutional laws shall apply.

2. The Regional Parliament shall also have the right to initiate amendments of this Statute, according to the proposals of the Parliaments of the Autonomous Provinces of Trento and Bolzano/Bozen and subsequent conformable resolution of the Regional Parliament.

3. Projects for amendments to the present Statute initiated by the government or parliament shall be communicated by the Government of the Republic to the Regional Parliament and Provincial Parliaments, who shall express their opinion within two months.

4. Approved amendments to the Statute shall not in any event be subject to a national referendum.

#### Art. 104

1. Without prejudice to the contents of article 103, the provisions of Part VI and of Article 13 may be amended by ordinary State law at the joint request of the Government and, as regards their respective competence, the Region or the two Provinces.

2. The Provisions of articles 30 and 49 relating to the alternation of the President of the Regional Parliament and that of the

Provincial Parliament of Bolzano/Bozen may be modified by ordinary State law at the joint request of the Government and, respectively, the Region or the Province of Bolzano/Bozen.

#### Art. 105

1. Until such time as different provisions are made by Regional or Provincial law, State law shall be applied in regard to matters that come within the competence of the Region and the Province.

#### Art. 106

1. In matters transferred from the competence of the Region to that of the Provinces, the Regional laws in force at the date of the coming into effect of the Constitutional Law of 10 November 1971, n.1 shall continue to be applied until different provisions are made by Provincial law.

#### Art. 107

1. The executive measures implementing the present Statute shall be issued by legislative decree, following consultation of a joint Commission of twelve members of which six shall represent the State, two the Regional Parliament, two the Provincial Parliament of Trento and two that of Bolzano/Bozen. Three of its members must belong to the German linguistic group.

2. Within the Commission referred to in the previous paragraph a special Commission for the executive measures relating to the matters assigned to the competence of the Province of Bolzano/Bozen shall be appointed, made up of six members, of whom three shall represent the State and three the Province. One of the representatives of the State must belong to the German-speaking group; one of the representatives of the Province must belong to the Italian-speaking group.

#### Art. 108

1. Except in cases expressly provided for, the legislative decrees containing the executive measures of the Statute shall be issued within two years of the coming into effect of



the Constitutional Law of 10 November 1971, no.1.

2. If in the first eighteen months the Commissions referred to in the previous article have not issued in whole or in part their final opinions on the draft executive measures, the Government shall provide, in the following six months, for the issue of the relative decrees, without taking into account the opinion of the Commissions.

3. With executive measures to be issued within one year of the coming into effect of the Constitutional Law of 10 November 1971, no.1 the property which, according to article 68 of the present Statute, shall pass to the Provinces shall be decided, as well as the conditions for the transfer of the said property.

#### **Art. 109**

1. With executive measures to be issued within one year of the coming into effect of the Constitutional Law of 10 November 1971, no.1 the property which represents the historical and artistic heritage of national interest to be excluded from the provincial competence referred to in Article 8 (iii) of the present Statute shall be listed.

2. Within the same period the executive measures relating to Article 19 of the present Statute shall be issued.

3. If the measures referred to in the preceding paragraph have not been issued within the stated time-limit the Provinces may by law take over the relative administrative functions.

#### **Art. 110**

1. The date of commencement and the technical details for the application of the financial measures contained in the Constitutional Law of 10 November 1971, no.1, which integrate and modify the measures contained in the Constitutional Law of 26 February 1948, no.5, shall be established by executive measures to be issued in good time as regards the transfer of the competency concerned to the Provinces, but in any event not later than the time-limit referred to in the first paragraph of Article 108 of the present Statute.

#### Art. 111

1. In connection with the transfer of competency from the Region to the Provinces laid down by the Constitutional Law of 10 November 1971, no.1 the transfer of offices and personnel from the Region to the Provinces shall be provided for by decree of the President of the Region, following consultation with the Provincial Government concerned, and without prejudice to the status and salary of the personnel transferred and taking into account their family requirements, residence and linguistic group.

#### Art. 112

1. Agreements reached between the Region and the Province concerned shall provide for settlement of the financial costs arising from long-term loans stipulated for competency transferred by the Constitutional Law of 10 November 1971, no.1 from the Region to the Provinces, as well as settlement of other property and financial questions.

#### Art. 113

1. Without prejudice to the measures contained in the Bolzano/Bozen Provincial Law of 5 January 1958, no.1, regarding assistance to University students, the Province may change the value and alter the number of scholarships.

#### Art. 114

1. The German translation of the present Consolidated Law containing the special Statute for the Trentino-Alto Adige Region (Trentino-Südtirol) shall be published in the Official Bulletin of the Region.

#### Art. 115

1. The measures contained in the second and fourth paragraph of Article 25 of the present Statute shall be applied from the expiry date of the term of the Regional Parliament in office at the time at which the Constitutional Law of 10 November 1971, no.1 comes into effect.



## Transitory regulations

(art. 4 of constitutional law n.2/2001)

**2.** Up to the date that the provincial law foreseen by article 47 of the special Statute for Trentino-Alto Adige/Südtirol comes into effect, as modified by paragraph 1 of this article, in the Province of Trento the President of the Province shall be elected by universal and direct suffrage. His election shall be concomitant with renewal of the Provincial Parliament. Within ten days of proclamation the President Elect shall nominate the members of the provincial government and he may subsequently annul their appointment; he shall assign one of them with the office of Vice-President. If the Provincial Parliament approves a grounded motion of no-confidence in the President of the Province with an absolute majority of its members, presented by at least one fifth of the members and discussed not before three days following its presentation, within three months new elections will be held for the President of the Province and for Parliament. Likewise new elections will be held for the President of the Province and for Parliament in the event of the resignation, permanent impediment or death of the President of the Province. If the permanent impediment or death of the President of the Province takes place after the first thirty-six months of the legislature, the Provincial Parliament shall elect, for the remaining period of its legislature, the new President of the Province from among its members. While paragraph 3 shall continue to apply, the provisions in this paragraph shall not apply to the Provincial Parliament of Trento in office on the date the present constitutional law comes into force. If not otherwise established by the provincial law foreseen by the aforesaid article 47 of the special Statute for Trentino-Alto Adige/Südtirol, as amended by paragraph 1 of this article, the statutory provisions in force on the date that this constitutional law comes into force shall continue to apply to the Provincial Parliament in office.

**3.** If it is necessary to proceed according to paragraph 2 and in the event that on the date of the calling of elections for the renewal of the Provincial Parliament of Trento the provincial law foreseen by article 47 of the special Statute for Trentino - Alto Adige/Südtirol, as modified by paragraph 1, sub-section

v), of this article has not yet come into effect, the following dispositions for the election of the President of the Province and of the Provincial Parliament shall be observed:

a) concomitant elections of the President of the Province and the Provincial Parliament shall be called, according to article 48, paragraph 4 of the special Statute for Trentino-Alto Adige/Südtirol, as substituted by paragraph 1, sub-section z of this article. The President of the Province is a member of the Provincial Parliament. Causes of ineligibility or incompatibility with the role of member of the Provincial Parliament shall apply to the office of President of the Province. Members of the Provincial Government, with the exception of the person given the office of Vice-President, may also be chosen from persons outside the Provincial Parliament. Causes of ineligibility or incompatibility with the role of member of the Provincial Parliament shall apply to the role of member of the Provincial Government, also for those not belonging to the Provincial Parliament;

b) to exercise the right to vote, according to the provisions of article 8 of the law of the Trentino-Alto Adige/Südtirol Region of 8 August 1983, no. 7, and in conformity with article 25 paragraph 4 of the special Statute for Trentino-Alto Adige/Südtirol, as modified by paragraph 1, sub-section h), of this article, an uninterrupted minimum period of residence of one year within the Province is required. Candidatures for the office of President of the Province must be presented with a declaration signed by not less than 1,000 and not more than 1,500 electors entitled to vote at elections for the Provincial Parliament. For the presentation of the candidature for the office of President of the Province, article 18 of the aforesaid regional law no. 7 of 1983 is also applied, in so far as it is compatible. In order to support the candidature both for the office of President of the Province and the role of member of the Provincial Parliament the provisions of article 14 of the law of 21 March 1990, no. 53 and subsequent modifications shall apply;



c) the territory of the Province of Trento shall constitute a single electoral constituency for the election of the President of the Province and the Provincial Parliament. Voting for the election of the President of the Province and the Provincial Parliament shall take place using a single ballot paper, carrying the surname and first name of the candidates for the office of President, the symbol of the lists linked to him and alongside each symbol the space necessary to indicate votes for the Provincial Parliament. Each list may not include more than thirty-four or less than twenty-six candidates. Each elector may cast his vote for one candidate for the office of President of the Province and for one of the lists linked to him, by making his mark on the symbol of one of these lists and if he so desires also on the name of the candidate for the office of President of the Province. A mark made only on the name of the candidate for the office of President of the Province is also valid as a vote for the list or group of lists linked to him. A mark made only on the list is also valid as a vote for the candidate to the office of President of the Province to whom the list or group of lists is linked. It is not permitted to cast a vote for the candidature to the office of President of the Province and for one of the lists not linked to him. Each elector is also entitled to cast two votes for the candidates for the role of member of the Provincial Parliament within the list chosen;

d) to assign the office of President of the Province and of the other thirty-four seats in the Provincial Parliament the President of the central electoral college shall observe the following regulations:

- 1) he shall determine the individual figures for each candidate made up of: the valid votes obtained in all sections of the Province for the candidate to the office of President of the Province; the total number of valid votes in the preferential ballot cast in all sections for the candidates to the office of member of the Provincial Parliament;



**2)** he shall determine the electoral results for each list or group of linked lists, made up of the total number of valid votes cast in the first ballot, in all sections of the Province, by the respective candidate to the office of President of the Province;

**3)** he shall determine the electoral results for each list, made up of the total number of valid votes cast for list itself in all sections;

**4)** he shall draw up the results for each list, separately for the office of President of the Province and for the role of member of the Provincial Parliament, placing the names in descending order in terms of the number of votes received;

**5)** he shall declare the candidate obtaining at least 50 per cent plus one vote of the valid votes cast to have been elected as President of the Province;

**6)** he shall assign one of the seats to the list which has obtained the largest number of overall votes in the communes of Moena, Soraga, Vigo di Fassa, Pozza di Fassa, Mazzin, Campitello di Fassa and Canazei and, within this list, to the candidate who in these communes has received the largest number of preferences overall; in the event of the same number of votes for more than one list the seat is assigned to that in which the candidate has obtained most votes in the aforesaid communes; in the event of the same number of preferences the seat is assigned to the oldest candidate in terms of age and if they are of the same age to the candidate who comes first in the order of the list; he shall then subtract a number of votes equal to the electoral results obtained by the list in the communes indicated above from the electoral results of the list to whom the candidate elected belongs;



**7)** he shall assign the seats to which each list or group of lists linked to the candidate for the office of President of the Province is entitled, following the procedure given: he shall divide by 1; 2; 3; ..., the electoral results of each list or group of linked lists, as determined according to the provisions of section 2), taking into consideration the provisions of section 6), until the number of seats in the Parliament has been reached, with the exception of that assigned to the President of the Province and that assigned according to the provisions of section 6), he shall select the highest from among the quotients thus obtained, corresponding to the same number of the seats to be assigned. In the event of an equal quotient in terms of whole and decimal figures, the seat shall be assigned to the list or group of linked lists which has the highest electoral results and, in the event of an equal number of votes, by drawing lots. If a list is entitled to more seats than it has candidates the excess places will be distributed between the other lists or groups of linked lists according to the quotient order.

**8)** he shall check that, excluding the seat assigned to the candidate elected President of the Province, the list or group of lists linked to him has obtained at least twenty-one seats; in the event that this has not occurred, this list or group of lists will be assigned twenty-one seats. The remaining seats will be assigned to the other lists or groups of linked lists according to the provisions of section 7). In this event the seat assigned according to the provisions of section 6) shall be included within the calculation;

**9)** he shall assign the seats to which each group of linked lists is entitled, dividing the electoral results of each of them, as determined according

to the provisions of section 3), which corresponds with the number of votes obtained at the first ballot, by 1; 2; 3; ..., until the number of seats to which each group of lists is entitled has been reached. In this manner the highest quotients will be determined and thus the number of seats to which each list is entitled;

**10)** he shall first proclaim the candidates for the office of President of the Province who have not been elected, linked to each list or each group of lists which has obtained at least one seat, to have been elected as members of the Provincial Parliament. In the event of more than one list being linked to the same candidate for the office of President of the Province and who has not been elected, the seat to which he is entitled is deducted from the overall number of seats assigned to the group of linked lists. He shall then proclaim those candidates who are highest in the list, in accordance with the number of seats to which the lists are entitled, having obtained the best results according to section 4), to have been elected as members of the Provincial Parliament. In the event of a tie, the older candidate and in the event of candidates of the same age, the candidate appearing first in the order of the list shall be elected;

e) in the event that no candidate has been elected President of the Province according to the provisions of paragraph d), sub-section 5), there shall be a second ballot which shall take place the second Sunday following the first ballot. In this case the President of the central electoral college suspends operations and proceeds to identify the two candidates for the office of President of the Province who have obtained the largest number of votes. In the event of a tie, the oldest candidate is admitted to



the second ballot. In the event of the permanent impediment, death or renunciation of one of the candidates admitted to the ballot, the candidate coming next in the list shall participate in the ballot. In this last case the ballot shall take place the Sunday following the tenth day from the date the event took place. Renunciation must be made in writing and must be communicated to the President of the central electoral college. In the event that all the candidates for the office of President announce that they will not be standing, except one, this last will be declared to have been elected as President of the Province, without proceeding with the second ballot. For candidates admitted to the ballot the links with the lists for the election of the Provincial Parliament declared for the first ballot shall stand. However candidates admitted to the ballot have the faculty, within seven days of the first ballot, to declare a link with further lists as compared to those with whom they were linked for the first ballot. All declarations concerning links shall be effective only if in accordance with the declarations made by the delegates of all the lists concerned in the preceding and new link. The ballot paper carries the surname and first name of the candidates for the office of President and the symbols of the lists linked to him. The vote is cast by making a mark on the space where the name of the chosen candidate is indicated. Electoral procedures for the second ballot shall be regulated by the same norms governing the procedure for the first ballot. The offices for the first ballot shall remain for the second. Electors in possession of electoral certificate, or equivalent document, may vote at the second ballot in the respective sections. Following the vote count after the second ballot the central electoral college shall be re-established and the President shall:

- 1) determine the individual figures for each candidate at the second ballot, made up of the overall number of valid votes obtained in all sections of the Province and shall declare the candidate who

has obtained the greatest number of valid votes to have been elected as President of the Province. In the event of a tie in terms of the number of votes the oldest candidate shall be declared to have been elected as President of the Province;

**2)** assign the seats to each list or group of linked lists, also considering any subsequent links. For this purpose, in subsequent operations for the assignment of seats, the electoral results obtained as described in paragraph d) section 2) shall be disregarded and the electoral results obtained in the count for each list or group of lists linked to the candidates polled in the first ballot are considered, to which are added the electoral results of each list which has declared a link with the same candidates in the second ballot, as determined according to paragraph d) sub-section 3). He shall proceed with assignment of the seats in the Provincial Parliament, following the procedure outlined in paragraph d), sub-sections 6), 7), 8), 9) and 10). In assigning the seats according to paragraph d) sub-section 10), the candidate for the role of President of the Province shall be excluded in the event that in the second ballot one or more of the lists linked to him in the first ballot has declared a link with a different candidate admitted to the second ballot;

*f)* in so far as they are compatible with this article, the provisions foreseen by articles 8 to 15 and article 18 of the law of the Trentino-Alto Adige/Südtirol Region of 8 August 1983, no.7 and subsequent modifications are applied, in addition to the provisions of article 5 of the law of the Trentino-Alto Adige/Südtirol Region of 26 February 1990, no. 5, concerning the election of the Regional Parliament, as in force on 1 January 2000. With the exception of the provisions of this paragraph, for the election of the Presi-



dent of the Province of Trento and the Provincial Parliament of Trento the provisions of the laws of the Trentino-Alto Adige/Südtirol Region, as in force on 1 January 2000, regulating the preparatory electoral procedure, including presentation of candidature, voting, the counting of votes and proclamation, for the election of the administrative organs of the communes with a population of more than three thousand inhabitants shall be observed, in so far as they are compatible with this article. The organs and offices responsible for the electoral procedure foreseen by regional law concerning the election of municipal organs shall be understood to have been substituted by the corresponding organs and offices foreseen by regional law concerning the election of the Regional Parliament, as regards the constituency of Trento.

**4)** In the Autonomous Province of Bolzano/Bozen, up to the date that the provincial law foreseen by the aforesaid article 47 of the Special Statute for Trentino-Alto Adige/Südtirol as modified by paragraph 1 of the present article, comes into effect, existing electoral laws in force shall continue to apply, in so far as they are compatible.



Parliament of the Autonomous  
Province of Bolzano/Bozen

via Crispi - Str. 6

39100 Bolzano/Bozen

Tel. 0039 0471 946 111

Fax 0039 0471 973 468

e-mail: [info@consiglio-bz.org](mailto:info@consiglio-bz.org) - E-Mail: [info@landtag-bz.org](mailto:info@landtag-bz.org)

[www.consiglio-bz.org](http://www.consiglio-bz.org) - [www.landtag-bz.org](http://www.landtag-bz.org)