



# Italian Constitution amended to include environmental and health protection: A model for Europe

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On February 8th, the Italian Parliament finally approved the amendment to the Article 9 of the Constitution declaring that “The Republic promotes the development of culture and scientific/technical research, protects environment, biodiversity and ecosystems, also in the interest of future generations; the laws of the State will regulate the forms of animals protection”. In this way, the Parliament has reformulated the previous Article 9 of the Constitution, which generically included the protection of “landscape”. Also, the crucial Article 41, concerning the freedom of economic initiative, was modified as follows: “Private economic initiative is free. It cannot take place in conflict with social utility or when damaging safety, freedom, human dignity, health and environment. The law provides appropriate programs and controls, so that public and private economic activities can be directed and coordinated for social and environmental purposes”. This Constitutional reform definitively clarifies also the terms of applicability of environmental crimes, a legal issue that entered Italian law only in 2015 with the ambiguous formula of the punishment of environmental damages caused “abusively”, thus implying that there may also be non-abusive environmental ones.<sup>1</sup> These Constitutional amendments represent a statement of fundamental principles that will have important consequences as they configure a new prerequisite for fighting against the emission of dangerous pollutants into all

environmental matrices (air, water, soil), which were previously recognized only as generic case of “throwing or abandoning dangerous things”.

Extending the Constitutional protection to environment and ecosystems also means increasing the level of protection for citizens' health, especially the most vulnerable groups such as children and sick/elderly people, as already highlighted by the World Health Organization.<sup>2</sup> Moreover, the perspective of protecting the environment “in the interests of future generations” addresses the challenging vision of the European Green Deal, and it is clearly in line with the European Next Generation EU plan, recently adopted in Italy as National recovery & resilience plan (PNRR), thanks to the availability of relevant European financial support.<sup>3</sup> Finally, the Constitutional amendment concerning biodiversity and animal protection – beside the new social sensitivity towards the suffering of animals – is closely in accordance with the comprehensive frame known as “One Health Approach” (recognizing the interdependence of human and ecosystems' health) adopted by the EU in the perspective of preventing antimicrobial resistance and future epidemics or pandemics originating from zoonoses, as exemplified by the current COVID-19 emergency.<sup>4,5</sup>

The Constitutional transposition of environmental protection opens also new possibilities for the application of precautionary principle displayed by Article 191 of the current European Union Functioning Treaties to “enable rapid response in the face of a possible danger to human, animal or plant health, or to protect the environment”. However, the application of this principle is quite difficult in real-life situations, such as the procedures for authorizations of activities with potential

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environmental impact, due to the lack of clear references in legislation. In this perspective, the renewed Italian Constitution could represent a valuable model for other countries to redesign their legal frame by including environmental and health protection.

### Declaration of interests

All the authors declare no conflict of interests.

### Authors' contributions

Prisco Piscitelli, Sergio Costa, Andrea Costa, Michele Emiliano, Nicola Caputo, Francesco Schittulli, Marco Bonabello, Fabio Pollice, Antonio Felice Uricchio, Alfonso Pecoraro Scanio, Alessandro Miani have conceived, approved and revised the manuscript

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