

Corte Cost., order No 128 of 1 June 2016 (President: Grossi, curator: Modugno)

In order for an association to be admitted to the benefit of the legal aid, it is not sufficient to provide double negative condition of the absence of profit and the exercise of "economic activity", but is necessary also the concomitant existence of the "further conditions" of law, i.e. the respect of income limits and the not manifest unfoundedness of the claim"; the regulations in force, expressly extending the "treatment provided for the Italian citizen" in the field of legal aid to other subjective categories - such as the foreigner regularly staying in the territory and, precisely, the bodies or associations that they are non-profit making and do not engage in economic activity - makes admission to the benefit conditional first and foremost on existence of the general conditions laid down precisely for the subjective category of reference of the Italian citizen, to which are added those, specific, relating to the only entities or associations (or to the foreigner); these are the prerequisites of general character are represented by the general limit of income - indiscriminately referable to all the subjects who, in whatever type of process, intend to be admitted to the benefit - as well as by the unfoundedness of the claim that it is intends to assert (Articles 76 and 122 of Presidential Decree no. 115 of 2002)