

Rome, 6 December 2024
Prot. n. 379/2024 GF/JG-stm

To the attention of Commissioner Roxana Mînzatu,
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European Commission

and
To the attention of President Ursula von der Leyen,
President of the European Commission
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European Commission

Rue de la Loi / Wetstraat 200
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Subject: Action brought by the European Commission before the Court of Justice of the European Union on 10.08.23 against Italy in Case C-519/23 (failure to implement the judgment in Case C-119/04, ex-Lettori in Italian universities).

Dear Vice-President Mînzatu,

my name is Gianna Fracassi, General Secretary of the *Federazione dei Lavoratori della Conoscenza*, affiliated to the CGIL, the largest workers' trade union in Italy. On behalf of the FLC CGIL I would like to express our congratulations and best wishes for your appointment as Executive Vice-President for People, Skills and Preparation and our best wishes for your important Portfolio on Skills and Education, Quality Jobs and Social Rights.

I am writing to you regarding the more than ten-year old issue of discrimination against the *Lettori di madrelingua* in Italian universities. Over the last few years the FLC CGIL has maintained a constant cordial relationship with your predecessor Nicolàs Schmit, keeping the Commission constantly informed and updated on the non-application of the judgments of the Court of Justice (in particular in Case C-212/99 and Case C-119/04) regarding the full and uninterrupted reconstruction of the *Lettori* careers for the years of teaching in universities according to the economic parameter of the part-time tenured researcher or better conditions (as indicated by the CJEU judgment of 18/07/2006 in Case C-119/04). Commissioner Schmit always considered the information we made available important and useful, filing it in the *Lettori* dossier.

As I am sure you are aware, the Commission opened infringement proceedings against Italy in 2021 and then, in the absence of concrete initiatives to apply European case law, sent a letter with a reasoned opinion to the Italian authorities in January 2023. Finally, on 14 July 2023, the Commission decided to bring a new liability action against Italy before the CJEU, with Case C-519/23 presented on 10 August 2023, because *'by failing to reconstruct the careers of the ex-Lettori in order to guarantee the economic treatment due to them and the payment of the corresponding arrears, the Italian Republic has failed to fulfil its obligations under Article 45 TFEU'* (Official Journal of the European Union, 25. 9.2023) as detailed in Regulation (EU) No 492/2011, Art. 7 para. 1.

Currently, we are waiting for yet another ruling by the Court, in the hope that this time it will finally put an end to the long dispute of the *Lettori* which has been ongoing since the first CJEU ruling back in 1989. In our opinion, yet another CJEU ruling in favour of the *Lettori* would be an affirmation of the essential principle of equal treatment according to the EU Treaty (Art. 45) and of one of the

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foundations of the EU: discrimination against workers on the basis of nationality must never be tolerated.

Now, we are writing to you for an update on the situation of *Lettori* in Italy with regard to the lack of effective implementation not only of European Union law, as interpreted by the aforementioned Court of Justice rulings, but also of Interministerial Decree No. 688/2023 issued for the reconstruction of their careers. In fact, in early February 2024 the CGIL - together with the Asso.CEL.L association - had launched a third national census to collect data on the situation in Italian universities. The picture that emerged profiled a situation where an effective implementation of Decree no. 688/2023 had never taken place, and so far the problem has not been resolved with the majority of *Lettori*, in service, retired, or unfortunately now dead, who have never seen the full and uninterrupted reconstruction of their careers according to the non-discriminatory economic-retributive parameter of the part-time tenured researcher or better conditions with the corresponding arrears and social security contributions since the date of first recruitment.

Only a few universities have correctly implemented the ruling in Case C-119/04 and in the terms of Law 63 of 05.03.2004. In the context of a consistent and uniform implementation of the CJEU's jurisprudence, the example of the University of Milan is significant in several respects. Using funds made available by the Ministry of Universities, this university has paid its *Lettori* the salary differences to achieve full and continuous career reconstruction from the first employment contract signed until today.

Since the working positions of *Lettori* at other universities are the same as those of their Milanese colleagues, it is clear that the Italian state's failure to apply to them the general principles laid down by the Court of Justice of the European Union demonstrates, on the one hand, the uncertainty and absolute lack of clarity of the national legal framework of reference and, on the other, highlights the discrimination practised against the *Lettori* by the plurality of Italian universities. This is all the more so given both the fact that the teaching activities and duties of the *Lettori* have not changed at all with their requalification by Law 236 of 1995, but are in perfect continuity with those previously carried out, and that Law 236 of 1995 itself required the maintenance of the acquired rights of the *Lettori* from the date of their original recruitment.

We attach a copy of our last letter sent to Commissioner Schmit on 21.03.24 with a very detailed description of the situation in the universities. According to the information at our disposal, this situation has not improved at all in the last few months, since both the government and the individual universities have remained inactive and have failed to comply with the precepts of the aforementioned legislation and case law, unlike the University of Milan and a small number of other universities.

In her fine Mission Letter for your appointment, President Von der Leyen emphasised the need to build 'a **Union of equality** and break down the barriers and the discrimination that too many people encounter on a daily basis' and 'to further **facilitate labour mobility**, whilst ensuring that rules are properly enforced with the support of a strong and empowered European Labour Authority.' In this perspective, it is perhaps useful to recall that the litigation in Europe of the *Lettori* in Italian universities represents the longest-standing dispute in the entire history of infringement proceedings for violations of European law in terms of discrimination in the context of EU worker mobility.

As always, our trade union organisation remains at your disposition to provide any information which might be useful to the Commission in order to support the case before the CJEU and obtain the condemnation of Italy for the persistent violation of EU law and the failure to implement the above-mentioned judgments of the CJEU, which represents a particularly serious violation both because it has been ongoing for decades and because in the economy of the European legal system, it is unacceptable that the judgments of the CJEU that are supposed to ascertain and guarantee it in concrete cases should remain without effect. We would therefore kindly ask you to intervene within your sphere of competence so that the Commission might request a priority setting for the hearing before the Court of Justice, and please do not hesitate to contact us if we can be of any assistance for further information needed. Finally, we would kindly ask for an update on the time sequence of the CJEU's court proceedings in this case.

Once again, we would like to extend our best wishes to you for your prestigious appointment and for your work in strengthening and improving the social Europe of labour and rights.

Yours sincerely,

General Secretary FLC CGIL
Gianna Fracassi

