

Information about the follow up to the multiple complaint on the possible incompatibility of the working conditions of honorary magistrates in Italy with various provisions of EU labour law - complaint registered under reference CPLT(2015)1071 – Update of XX May 2024

The European Commission has received a substantial number of complaints about the possible incompatibility of the working conditions of honorary magistrates in Italy with various provisions of EU labour law.

The Commission has entered these complaints in the central registry of complaints under reference number CPLT(2015)1071.

On 16 July 2020, the Court of Justice of the European Union held, in case C-658/18 UX¹, that these honorary magistrates should have worker status. On 7 April 2022, in case C-236/20², the Court of Justice of the European Union recalled its previous judgment and held that, should honorary magistrates be in a comparable situation as ordinary judges, they would be entitled to equal treatment in terms of paid annual leave and social security protection.

On 15 July 2021, the Commission decided to open an infringement procedure by sending a [letter of formal notice](#) to Italy as its national legislation applying to honorary magistrates did not fully comply with EU labour law. In the Commission's view, the Italian legislation failed to comply with several provisions of the Framework Agreement annexed to Directive 1999/70/EC on fixed-term work; the Framework Agreement annexed to Directive 97/81/EC on part-time work; Directive 2003/88/EC on Working Time, and Directive 92/85/EEC on Pregnant Workers. Several categories of honorary magistrates, i.e. honorary justices of the peace (*'giudice onorario di pace'*), honorary deputy prosecutors (VPO), and honorary court judges (GOT), do not enjoy the protection required under EU labour law. For instance, they are treated less favourably as regards allowances in case of illness, accidents, and pregnancy. They also have the obligation to register with the National Social Welfare Institution fund for self-employed workers. In the letter of formal notice, the Commission also raised the fact that they experience differences in pay and modalities of pay, as well as tax discrimination, and the questions of paid maternity leave and reimbursement of legal expenses incurred during disciplinary proceedings. Honorary magistrates are also not sufficiently protected against the abuse of successive fixed-term contracts, and they do not have the possibility to obtain proper compensation for such abuse. Furthermore, Italy has not set up a system to measure the daily working time of each honorary magistrate.

Italy adopted new legislation in December 2021. The new provisions still raised issues of compliance with EU law and the Commission sent an [additional letter of formal notice](#) to Italy on 15 July 2022. Italy replied on 28.10.2022 and 15.12.2022.

On 14 July 2023 the Commission decided to issue a [Reasoned Opinion](#) as the grievances identified in the additional letter of formal notice had not been solved. Italy submitted three replies to the Reasoned Opinion and informed the Commission of planned legislative amendments to address the grievances set out in the reasoned opinion. The replies submitted by Italy are currently under assessment by the Commission services.

The Commission will keep the complainants informed through this website of the follow-up given to their complaints.

¹ CJEU, C-658/18, *UX v Governo della Repubblica italiana*, ECLI:EU:C:2020:572.

² CJEU C-236/20, *PG v Ministero della Giustizia*, ECLI:EU:C:2022:263