

Information about the follow up to the complaint registered under reference CPLT(2013)02870 – Possible abuse of successive fixed-term contracts in the Italian public sector - update

The European Commission refers to the series of complaints it has received concerning the lack of measures to prevent the abuse of successive fixed-term contracts in the Italian public sector and lack of penalties in cases of abuse.

The employees concerned are:

- staff employed in the Italian operatic and orchestral foundations;
- fixed-term contracts concluded with teachers and administrative and technical auxiliary staff ('ATA staff') in order to fill temporary vacancies;
- fixed-term contracts concluded with healthcare staff, including managers, in the National Health Service;
- fixed term contracts concluded with workers in the higher art, music and dance education ('AFAM') for which the overseeing authority is the Ministero dell'Istruzione Università e Ricerca ('MIUR'), the Ministry of Education, Universities and Research;
- fixed-term contracts concluded with staff in public research institutions;
- employment relationships between agricultural employers and fixed-term workers as defined by Article 12, subparagraph 2 of Legislative Decree No 375 of 11 August 1993, in particular forestry workers;
- call-ups of the voluntary staff of the national fire brigade.

Some of these workers also have less favourable working conditions compared to permanent workers, in particular as regards the recognition of services provided under fixed-term contracts.

The Commission examined the relevant Italian law and concluded that it is not in compliance with clause 4 and clause 5 of the Framework Agreement on fixed-term work annexed to Directive 1999/70/EC¹. Therefore, it decided to open infringement procedure (INFR(2014)4231)² with the sending of a letter of formal notice on 17 July 2019. An additional letter of formal notice was issued on 3 December 2020.

On 19 April 2023 the Commission sent a reasoned opinion to Italy, as the explanations provided by Italy in its replies to the letters of formal notice sent on 17 July 2019 and 3 December 2020 were not satisfactory. Italy has two months to notify the Commission of the concrete measures taken to comply with the Directive. Failing that, the Commission may decide to refer the case to the Court of Justice of the European Union.

The Commission will keep the complainants informed through this website³ of any follow-up that the Commission decides to give to this infringement procedure.

¹ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, OJ L 175, 10.7.1999, p. 43

² [Application of EU law \(europa.eu\)](#)

³ [Decisions and other notices on multiple complaints \(europa.eu\)](#)