

Information about the follow up to the complaint registered under reference CHAP(2013)2870 – Possible abuse of successive fixed-term contracts in the Italian public sector - update of March 2021

The European Commission refers to the series of complaints it has received concerning possible abuse of successive fixed-term contracts in the Italian public sector.

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 in accordance with Law No 240 of 30 December 2010. Law No 240 of 30 December 2010 contains rules on the organisation of universities, academic personnel and their recruitment;
- 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;
- call-ups of the voluntary staff of the national fire brigade.

The Commission has examined Italian law regarding its compliance with clause 4 and clause 5 of the Framework Agreement and has come to the conclusion that it is not in compliance with these provisions. Therefore the Commission sent a letter of formal notice to Italy on 17 July 2019. For more information on this procedure, the Commission refers to its press release of 25 July 2019.¹

On 3 December 2020 the Commission sent a supplementary letter of formal notice to Italy, as the explanations provided by Italy in its replies to the initial letter of formal notice of July 2019 were not satisfactory. Italy has four months to notify the Commission of the concrete measures taken to comply with the Directive. Failing that, the Commission may decide to send a reasoned opinion.

The Commission will keep the complainants informed through this website² of any follow-up that the Commission decides to give to this infringement procedure.

¹ https://ec.europa.eu/commission/presscorner/detail/en/inf_19_4251

² https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/how-make-complaint-eu-level/joining-similar-complaints/decisions-multiple-complaints_en