

(English version)

**Question for written answer E-001154/25
to the Commission
Giuseppe Lupo (S&D)
(19 March 2025)**

Subject: Infringement procedure against Italy — honorary judges' working conditions

On 3 October 2024, the Commission announced crucial decisions for action against Italy in its October infringements package. In particular, the Commission invited the country to comply with EU law concerning the working conditions of honorary judges. The Commission had already sent a reasoned opinion in July 2023 but Italy had not provided adequate responses or taken corrective measures.

The Commission then issued a supplementary reasoned opinion, highlighting the failure of Italian legislation to align with EU labour law. Various categories of honorary judges, considered volunteers, do not enjoy 'worker' status, suffering from unfavourable treatment compared to their professional counterparts regarding sickness, injury, maternity and remuneration. Despite the planned legislative changes, Italy has not presented plans to address the situation of honorary judges.

The Commission initiated the infringement procedure in July 2021 and Italy now has two months to respond. This prompts the following questions:

1. What does the Commission intend to do to address Italy's failure to implement the relevant directives?
2. What guarantees and tools can the Commission use to overcome the Italian Government's inaction?

Submitted: 19.3.2025

**Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(15 May 2025)**

The Commission is pursuing infringement procedure INFR(2016)4081 ⁽¹⁾ to ensure compliance of Italian legislation regarding honorary judges with the requirements of EU labour law and effective access to justice.

As different national provisions apply to honorary judges who were already in service on 15 August 2017 ⁽²⁾ and to those recruited after that date, separate assessments are required in the framework of INFR(2016)4081. Honorary judges belonging to the first group can be confirmed permanently in their positions and obtain worker status. On 15 April 2025, the Italian legislator adopted a reform amending their working conditions ⁽³⁾. Reform plans are less advanced regarding honorary judges recruited after 15 August 2017.

The Commission also draws the Honourable Member's attention to the fact that a preliminary reference on the capacity of confirmed honorary judges to effectively exercise their rights under EU law is currently pending before the Court of Justice of the European Union ⁽⁴⁾.

The Commission will analyse the recent reform and closely monitor the case law to assess whether further procedural steps are required to ensure conformity with EU law.

⁽¹⁾ Information on Commission decisions pertaining to this infringement procedure are available in the public register online: [https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR\(2016\)4081&page=1&size=10&order=desc&sortColumns=decisionDate](https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/?langCode=EN&version=v1&typeOfSearch=byDecision&refId=INFR(2016)4081&page=1&size=10&order=desc&sortColumns=decisionDate).

⁽²⁾ The date of entry into force of Legislative Decree No 116/2017 of 13 July 2017 — 'Organic reform of the honorary judiciary and other provisions on Justices of the Peace, as well as transitional arrangements for Honorary Magistrates in service, in accordance with Law No 57 of 28 April 2016'.

⁽³⁾ See Law n. 51 of 15 April 2025, GU Serie Generale n. 89 of 16-04-2025: <https://www.gazzettaufficiale.it/eli/id/2025/04/16/25G00064/SG>.

⁽⁴⁾ Case C-253/24, *Pelavi*.