

(English version)

**Priority question for written answer P-000286/25
to the Commission
Ciaran Mullooly (Renew)
(22 January 2025)**

Subject: Ensuring the consistent enforcement of EU law regarding parity of treatment for foreign-language lecturers in Italian universities

This question concerns the Commission's actions in Case C-519/23 ⁽¹⁾ enforcing the judgment in Case C-119/04 ⁽²⁾. Interministerial Decree Law No 688 of 24 May 2023 is the latest legislative measure by the Italian Government aimed at implementing the ruling in Case C-119/04 and granting foreign-language lecturers (*lettori*) the settlements for reconstruction of career due to them under EU law. However, ambiguities in the Decree Law have led to varying interpretations by Italian universities.

To ensure the uniform and consistent application of EU law in this matter, can the Commission clarify:

1. whether, as acknowledged by the University of Milan and other universities, the judgment in Case C-119/04 confirms the right of *lettori* to career reconstruction settlements covering their entire period of employment, from the date of first hire to the present or retirement;
2. whether it remains the Commission's position that the reconstruction of *lettori* careers must use, as a minimum benchmark, the part-time researcher parameter, or more favourable parameters established in rulings by local Italian courts;
3. whether the contract that has been in place since 1994 at La Sapienza University of Rome, a university whose documentation was cited by the Commission in infringement Cases C-212/99 ⁽³⁾ and C-119/04 against Italy, remains contrary to EU law?

Submitted: 22.1.2025

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

In September 2021, the Commission started an infringement procedure ⁽¹⁾ for Italy to comply with judgments of cases C-212/99 ⁽²⁾ and C-119/04 ⁽³⁾ of the Court of Justice of the EU, to ensure that it reconstructs careers of former *lettori* in line with Italian Law No 63 of 5 March 2004.

The Court stated in these judgments that Law 63/2004 provides for an adequate framework for the reconstruction of *lettori*'s careers by applying the parameter of the part-time tenured researcher and that the application of this parameter does not appear to preclude the career of a former assistant from being reconstructed on more advantageous terms.

Such reconstruction, in the Commission's view, does not necessarily cover the reconstruction of careers in an uninterrupted manner. Neither of the judgments precludes the splitting of a career: they require the retention of the acquired rights from the date of the original recruitment, but they do not require that this is continued after the extinction of the category of *lettori* by Law No 236 of 21 June 1995.

Italy has the primary responsibility to monitor the application of EU law as interpreted by the Court in its judgments and to take the necessary steps to ensure uniform application across all Italian universities.

In its role as guardian of the Treaties, the Commission continues monitoring the situation and may decide to take appropriate action. In July 2023, the Commission decided to refer Italy to the Court of Justice of the EU for maintaining discrimination of foreign lecturers. Case C-519/23 is currently pending at the Court of Justice of the EU.

Redress in individual cases is to be sought before the competent national courts.

¹ Case C-519/23: Action brought on 10 August 2023, *European Commission v Italian Republic*, OJ C 338, 25.9.2023, p. 15.

² Judgment of the Court of Justice of 18 July 2006, *Commission of the European Communities v Italian Republic*, Case C-119/04, ECLI:EU:C:2006:489.

³ Judgment of the Court of Justice of 26 June 2001, *Commission of the European Communities v Italian Republic*, Case C-212/99, ECLI:EU:C:2001:357.

⁽¹⁾ INFR(2021)4055, https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/?lang_code=en&langCode=EN

⁽²⁾ Judgment of 26 June 2001, *Commission of the European Communities v Italian Republic*, C-212/99, EU:C:2001:357.

⁽³⁾ Judgment of 18 July 2006, *Commission of the European Communities v Italian Republic*, C-119/04, EU:C:2006:489.