Question for written answer E-012421/2011
to the Commission
Rule 117
Linda McAvan (S&D)

Subject: Equal treatment of non-Italian university lecturers in Italy - Gelmini report and follow-up

The European Court of Justice has ruled several times that Italy has failed to fulfil its obligations under the provisions of the EC Treaty guaranteeing freedom of movement for workers, by not ensuring the equal treatment of non-Italian university lecturers (*lettori*). In 2006 the ECJ ruled that new Italian legislation (Law 63/2004) resolved the issue and that Italy was no longer in breach of its Treaty obligations.

The Italian government passed a law on the reform of the Italian University system, known as the Gelmini Reform, taking effect on 29 January 2011, which sets out new rules for the lecturers' pay; however it also includes a clause (Art. 26) that retrospectively wipes away any pending claims.

My constituent tells me that the Constitutional Court of Italy is currently deliberating whether this Article 26 contravenes the Italian constitution. In the meantime, all court cases are suspended, and many lecturers are being told by their lawyers that their legal action is finished because article 26 has extinguished the right to seek justice on this matter.

Could the Commission indicate whether it is satisfied with the action that the Italian authorities have taken regarding their obligations under the provisions of the EC Treaty guaranteeing freedom of movement for workers? Could the Commission also indicate its opinion on the aforementioned Article 26 of the Gelmini Reform?

In a response to a formal written question (P-1457/2010), the Commission indicated that it had 'asked the Italian authorities for more detailed information with a view to assessing the conformity of Italian legislation and of general administrative practice in Italy with European law applicable in the field of free movement of workers. It will consider whether any action is needed once it has examined all the information available.' Could the Commission communicate the result of this action?