

**Question for written answer E-007797/2017
to the Commission**

Rule 130

Sergio Gaetano Cofferati (S&D) and Jude Kirton-Darling (S&D)

Subject: Discrimination against a Belgian lecturer in Italy

In case C-276/07 the CJEU ruled that workers cannot be discriminated against on grounds of nationality with regard to the recognition of the rights acquired from the date of their first recruitment, in the event of a change of contract. In 2011, the Florence Court of Appeal ruled accordingly that the University of Florence had discriminated against Mrs Nancy Delay, a Belgian lecturer. However, the United Session of the Italian Supreme Court of Cassation later overruled that judgment, without asking the CJEU for a preliminary ruling, by differentiating between employment relationships of a private law and public law nature and taking into account the existence of 'cultural arrangements' between Italy and the Member State of the lecturer.

Does the Commission consider the decision of the Italian Supreme Court of Cassation, the national court of final instance, to be legitimate, considering the fact that it did not ask the CJEU for a preliminary ruling on the interpretation of its judgment on case C-267/07?

Does the Commission consider relevant the public law nature of an employment relationship when evaluating the possible existence of discrimination?

In the event that the decision taken or the procedure followed by the Italian Supreme Court of Cassation is not considered to be appropriate, what action will the Commission take to ensure respect for EU law and the Treaties?