

WRITTEN QUESTION E-2891/05
by Lilli Gruber (PSE)
to the Commission

Subject: Treatment of research students receiving grants under Italian Law 285/77

A number of Italian research students receiving grants in accordance with Italian Law 285/77 have lodged a complaint with the Commission – registered under number 2005/4022, SG(2004)A/12490/3 – in which they request, pursuant to Articles 211 (ex 155) and 226 (ex 169) of the Treaty establishing the EC, that infringement proceedings be brought against the Italian State with reference to Articles 136, 137, 140, 149 and 150 of the Treaty, as well as Articles 39 and 42, for the following reasons:

- a) the Italian authorities do not take into account, for the purposes of social security and pension rights, either the work that these researchers have carried out at the National Research Council on the basis of training and employment contracts in the field of scientific research concluded with that body, or the seniority acquired during the period of service preceding their establishment as permanent members of staff;
- b) the researchers do not benefit, for the purposes of legal and financial treatment, from the provisions of Article 26c, paragraph 3, of Law No 33 of 29 February 1980, converted from Decree-Law No 663 of 23 December 1979, or any of the other financial advantages connected with their employment, including index-linking and interest on sums due, all of which has a discriminatory effect as regards the free movement of workers within the Community.

Community law clearly establishes a system of principles, rights and fundamental freedoms conferred directly and unconditionally on the individual, who may defend these rights as soon as they are violated, regardless of the transnational nature of the violation. According to Article 39 of the Treaty citizens have the right not to suffer discrimination on the Community labour market, which is now a single area without any cross-border barriers and is governed by the rules of Community law and by the rules of the various Member States, provided that they are not incompatible with the former.

Does not the Commission consider that the situation described above seriously penalises Italian researchers compared with those from the other Member States, and may be contrary to European legislation on the subject?