

WRITTEN QUESTION E-5042/07
by Adriana Poli Bortone (UEN)
to the Commission

Subject: Harmonisation of the Member States' collective redundancy legislation

Directive 98/59/EC¹ is intended to afford 'greater protection ... to workers in the event of collective redundancies while taking into account the need for balanced economic and social development within the Community'.

According to the ruling handed down by the Court of Justice on 16 October 2003 in Case C-32/02, Italy has failed to fulfil its obligations under Directive 98/59/EC as regards employers not operating for gain.

The Court of Justice takes the view that the term 'employer' also covers those engaged in non-profit-making activities, whereas the Italian Legislative Decree No 110 of 8 April 2004 distinguishes between employers in this latter category and entrepreneurs.

Does the Italian legislation on collective redundancies accurately transpose the substance of Directive 98/59/EC?

Is it legitimate for Italian law to interpret the term 'employer' as narrowly as it does, bearing in mind that many employers engaged in non-profit-making activities, one example in Italy being Coldiretti, employ hundreds of people and occupy a position of great economic importance?

Does the Commission believe that it would be appropriate to shelve complaint 2004/5053 concerning the Lembo and Busoli case? In particular, does it consider that the compensation paid to them, without reinstatement in their jobs, is sufficient in itself to constitute an effective, proportionate, and dissuasive penalty?

¹ OJ L 225, 12.8.1998, p. 16.