

**Question for written answer E-002565/2020
to the Commission**
Rule 138
Clare Daly

Subject: Follow-up to the Commission's answer to question no. E-004429/2019

The question on opening up a binding ruling of the Court of Justice for negotiation is not addressed in the Commission's reply to question no. E-004429/2019.

In its ruling in Case C-119/04, *Commission of the European Communities v. Italian Republic*, the Court held that:

'A Member State cannot plead provisions, practices or situations prevailing in its domestic legal order to justify failure to observe obligations arising under Community law' (paragraph 25).

'The Italian Republic's argument that the problem of recognition of rights acquired by former assistants must be considered in the light of the Italian system for regulating employment relationships, which is based on collective agreement, cannot, therefore, be accepted' (paragraph 26).

Will the Commission now explicitly confirm that the rights awarded to foreign language teaching staff in ruling C-119/04 cannot be negotiated under 'the Italian system for regulating employment relationships', as provided for in Italian interministerial decree No.765?