



European
Social
Charter

Charte
sociale
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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

24 May 2017

Case Document No. 2

UGL-CFS and SAPAF v. Italy
Complaint No.143/2017

**OBSERVATIONS OF THE GOVERNMENT ON
ADMISSIBILITY**

Registered at the Secretariat on 9 May 2017



Repubblica Italiana
Ministero degli Affari Esteri
e della Cooperazione Internazionale
Ufficio dell'Agente del Governo

1. The Italian Government (hereinafter “the Government”) refers to its letter of 23 April 2017 sent in reply to the letter by the European Committee of Social Rights (hereinafter “the ECSR”) dated 15 March 2017, giving notification of the collective complaint filed against Italy by the Unione Generale Lavoratori Federazione Nazionale Corpo forestale dello Stato (UGL-CFS) and the Sindacato Autonomo Polizia Ambientale forestale (SAPAF) for a breach of Articles 1, 5 and G as well as Articles 6§1 and 6§2 of the European Social Charter by the Italian State. The Government further thanks the ECSR for sending, by e-mail dated 28 April 2017, the documentation regarding the Statutes of the aforementioned associations.
2. At this stage, the Government wishes to submit its observations on the admissibility of the complaint being examined.
3. We would like to inform the ECSR that, as of 1 January 2017, by virtue of Legislative Decree No. 177 – D. Lgs of 19 August 2016, staff already belonging to the Corpo Forestale dello Stato, which was incorporated into the Carabinieri, cannot join a trade union in application of Article 1475 of D. Lgs No.66, 10 March 2010 which contains the “Armed Forces Code”, and are therefore no longer represented by the trade unions to which members of the dissolved corps were affiliated.
4. We would add that, from that date, the interests of the staff of the Corpo Forestale dello Stato were protected, as are those of all military staff, by a Military Representative, and, in particular, by Article 14, paragraph 14 d) of D. Lgs No. 177/2016, which provided, without any interruption, for the immediate creation of specific representative bodies: 5 (five) Representative Councils attached to the Carabinieri Forest, Environmental and Agri-food Protection Units Department, the Carabinieri Forestry Corps, 3 (three) attached to the Territorial Commands located in the North, Centre and South of Italy and an Interim Representative Council attached to the Carabinieri Forest, Environmental and Agri-food Protection Units Department; this article further provided for the immediate election not only of the representatives of the aforementioned bodies, but also of a representative within the Central Representative Council – Carabinieri Division.
5. In view of the above, the Government considers that the complaint in question is inadmissible as, on the date of its registration with the ECSR Secretariat on 9 February 2017, the applicant trade unions no longer had – by virtue of the law – the authority to represent the staff who were part of the Corpo Forestale dello Stato given that, as of 1 January 2017 they had, as indicated, been incorporated into the Carabinieri.



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6. Accordingly, the Government submits these observations to the ECSR, while reserving the right to file any observations on the merits of the complaint lodged.

9 May 2017

Government Agent

E. Spatafora

A handwritten signature in black ink, appearing to read 'E. Spatafora', written over a faint rectangular stamp.