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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

3 June 2021

Case Document No. 6

Unione Nazionale Dirigenti dello Stato (UNADIS) v. Italy
Complaint No. 147/2017

**RESPONSE FROM THE GOVERNMENT
TO THE QUESTIONS OF THE COMMITTEE**

Registered at the Secretariat on 18 May 2021



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AVVOCATURA GENERALE DELLO STATO

EUROPEAN COMMITTEE OF SOCIAL RIGHTS

Unione Nazionale Dirigenti dello Stato (UNADIS) v. Italy

Complaint No. 147/2017

Responses of the Italian Government

CT 12798-21

Avv. Feola



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1. By letter dated March 26th 2021, the European Committee of Social Rights (hereinafter “the Committee”) invited the parties to provide updated information, concerning the situation resulting from legislative and case law developments that have occurred since the submission of the complaint.

2. In compliance with the Committee’s requests, the Italian Government provides the following information.

A) Information concerning the conversion of the relevant fixed-term contracts into open-ended contracts.

3. By the first question, the Committee has invited the parties to provide updated information with regard to the conversion of the relevant fixed-term contracts into open-ended contracts (*i.e.* fixed-term contracts of the Fiscal Agencies’ employees appointed to managerial positions, which were renewed for more than 36 months).

4. On this matter, the Italian Government replies that - following the judgment of the Constitutional Court No. 37/2015 - the Fiscal Agencies have not converted any of the aforementioned fixed-term contracts into open-ended contracts.

B) Information concerning the new competitions held for managerial positions in the Fiscal Agencies since the judgment of the Constitutional Court No. 37/2015.

5. By the second question, the Committee has invited the parties to provide updates on the new competitions held for managerial positions in the Fiscal Agencies since the judgment of the Constitutional Court No. 37/2015.

6. In this regard, the Italian Government replies that - since the judgment of the Constitutional Court No. 37/2015 - the Revenue Agency has initiated the following public competitions for recruiting managers:

a) by the deed No. 15513/2019, it held the “*Public competition for the recruitment of one hundred and fifty (150) second-tier managers to be primarily allocated to offices in charge of operational activities regarding tax administration, recovery and litigation falling within the competence of the Revenue Agency*”;



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b) by the deed No. 15519/2019, it held the “*Public competition for the recruitment of ten (10) second-tier managers to be primarily allocated to offices in charge of operational activities concerning the cadastral services management falling within the competence of the Revenue Agency*”.

Both competitions are currently underway, although the first written test has not yet been scheduled.

c) furthermore, by the advice of the December 17th 2018, the Revenue Agency reactivated the “*public competition for the recruitment of 175 second-tier executives*”, which was held by deed No. 146687/2010; this competition is currently in the final phase of the oral interview and will end approximatively in July 2021.

d) ultimately, by the deed No. 181/2019, the National School of Administration held the “*Public competition, for exams, for the admission of one hundred and forty-eight students to the selective executive training course-competition for the recruitment of one hundred twenty-three executives in state administrations, including autonomous ones, and in non-economic public bodies*”. At the end of this competition, No. 46 managers were hired by the Revenue Agency and No. 13 by the Customs Agency.

C) Information concerning the effects of the creation of new managerial positions (so-called POER), taking into account the judgment of the Constitutional Court No. 164/2020 on the conformity of these new managerial positions with the Italian Constitution.

7. By the third question, the Committee has invited the parties to provide updates on the effects of the creation of new managerial positions (so-called POER), taking into account the judgment of the Constitutional Court No. 164/2020 on the conformity of these new managerial positions with the Italian Constitution.



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8. On this matter, the Italian Government replies that Article 1, par. 93, Law 27 December 2017, No. 205, allows Fiscal Agencies to:

- a) create new managerial positions (so-called POER) in order to fulfil tasks of high responsibility, high professionalism or particular specialization, including the responsibility of non-managerial operational offices, within the limits of cost savings resulting from the reduction of managerial positions;
- b) regulate the allocation of positions to officials with at least five years of experience in the third area (so-called “Area III”) through an internal selection that takes into account the competitors’ professional knowledge, technical and managerial skills along with the assessments they achieved in the previous years;
- c) empower those who are entrusted with a POER to adopt administrative acts and measures, including acts that bind the public administration with third parties;
- d) grade the positions according to different levels of responsibility, resulting in a grading system of remuneration and, should the assessment be positive, the attribution of the additional remuneration based on the reported annual targets.

9. Article 1, par. 94, letter b), Law 27 December 2017, No. 205, states that the Special Organizational Positions (so-called POS) provided by Article 23 *quinquies* of the Law Decree 6 July 2012, No. 95, converted, with amendments, by the Law 7 August 2012, No. 135, shall be redefined in line with the criteria for identifying the organizational positions pursuant to par. 93 (so-called POER). The remuneration was modified accordingly.

10. The Revenue Agency implemented the so-called POER in its own Administrative Regulations, whose Article 18 *bis* was introduced by the resolution of the Management Committee No. 10/2018.

In particular, Article 18 *bis* states that the General Director of the Agency identifies the POER, which are graduated up to a maximum of four levels, based on several criteria, which take into account the organizational complexity of the positions and the related responsibilities.

11. The *ratio* between the maximum and minimum of the position remuneration cannot be higher than three and an increase in the position remuneration is envisaged for those who



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work off-site. Those who are entrusted with a POER do not perceive any remuneration for the overtime work and the accessory salary, exception made for the agency allowance.

12. Finally, within the limits of available resources, the minimum annual amount of the performance salary is set at 15% of the position salary.

13. The Regulations also specify that the assignment of an organizational position does not constitute career progression and that the positions are usually allocated for a period of three years, with the possibility of renewal.

14. By the deeds of the Director of the Agency No. 186053/2018 and No. 186067/2018, the internal articulation of all the structures (central, regional and provincial) of the Agency has been completely redesigned, bringing about a drastic reduction of second-tier managerial positions (from 919 to 465).

15. Consequently, the executive staffing set-up established in the Administration Regulations was redetermined.

16. The savings resulting from the reduction of managerial positions and the suppression of Special Organizational Positions (so-called POS) allowed to establish 1,481 POER.

17. The selections for their allocation took place in the first half of 2019 and the new set-up became operational since June 2019.

18. The key principle was limiting managerial positions only to functions of particularly high complexity and managerial responsibility. On the other hand, having regard to the attribution of other functions not of equal importance, but still characterized by significant levels of responsibility and professionalism, the focus was on enhancing the knowledge, experience and skills of the officials of the third area (so-called “Area III”) of greater competence.

19. In such a new structure, therefore, the remaining second-tier managerial positions are only those linked to the management of complex structures: provincial directors and central and regional sectors’ heads, as well as a few offices within the aforementioned structures.

20. All the other offices within the central, regional and provincial offices are now entrusted to POER.



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21. By deed of the Director of the Agency No. 525138/2018, the number of managerial positions was then further reduced (from 465 to 459), whilst the number of POER increased (from 1,481 to 1,502).

22. The legislative provisions examined above were also implemented by the Customs Agency. Indeed, Article 17 of the Administration Regulations of the Customs Agency contains a regulation similar to that provided for by the aforementioned Article 18 *bis* of the Administration Regulations of the Revenue Agency. Pursuant to this provision, by deed No. 136786/2018, the Director of the Customs Agency has identified 218 organizational positions for the performance of positions of high responsibility, high professionalism or particular specialization (so-called POER). The selections for their allocation took place in the first half of 2019 and the new set-up became operational since June 2019.

23. By the judgement No. 164/2020, the Italian Constitutional Court declared the compliance of Article 1, par. 93, Law 27 December 2017, No. 205, with Articles 3, 51 and 97 of the Italian Constitution.

24. Therefore, with this ruling the Constitutional Court has definitively upheld the new organizational model of the Fiscal Agencies, characterized by a small number of managerial positions and a consistent number of POER whose allocation is entrusted to officials of the third area (so-called "Area III") of greatest competence.

D) Information concerning the amendments of the provisions, which are relevant for the complaint, taking into account whether they have a legislative or case law basis.

25. In addition to the previous questions, the Committee has also invited the parties to specify which amendments have affected the legislative provisions deemed as relevant for the complaint.

26. On this matter, the Italian Government provides the following information.

27. Articles 60 and 71 of the Legislative Decree 30 July 1999, No. 300, were not amended since the submission of the complaint.



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28. On the contrary, Article 19 of the Legislative Decree 30 March 2001, No. 165, was modified as follows:

a) par. 4 was modified by Articles 1, par. 6, and 22, par. 4, of the Law Decree 30 December 2019, No. 162, converted, with amendments, by the Law 28 February 2020, No. 8. The current text is the following: “4. *General executive positions are conferred by decree of the President of the Council of Ministers, upon proposal of the competent Minister, to managers of the first range of roles referred to in Article 23 or, to an extent not exceeding 70 percent of the relative endowment, to other managers belonging to the same roles or, with a fixed-term contract, to persons possessing the specific professional qualities required by par. 6*”;

b) par. 5 *bis* was modified by Articles 3, par. 9 *ter*, of the Legislative Decree 9 January 2020, No. 1, converted, with amendments, by the Law 5 March 2020, No. 12, and 7, par. 13, of the Law Decree 1° March 2021, No. 22, converted, with amendments, by the Law 22 April 2021, No. 55. The current text is the following: “5-*bis*. *Without prejudice to the actual endowment of each administration, the offices referred to in par. 1 to par. 5 may be conferred, by each administration, also to managers not belonging to the roles referred to in article 23, provided that they are employees of the administrations referred to in article 1, par. 2, or of constitutional bodies, after being placed out of office, unpaid leave, command or similar provision according to the respective regulations. The offices referred to in par. 1, par. 2, par. 4 and par. 5 may be conferred within the limit of 15 per cent of the staffing endowment of managers belonging to the first bracket of roles referred to in the same article 23 and 10 per cent of the staffing of those belonging to the second bracket. The aforementioned percentage limits may be increased, respectively, up to a maximum of 25 and 18 per cent, with a simultaneous decrease in the corresponding percentages set by par. 6*”;

c) par. 6 was modified by Articles 22, par. 4, letter a), of the Legislative Decree 25 May 2017, No. 75, 1, par. 352, of the Law 30 December 2018, No. 145, 1, parr. 150 and 158, of



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the Law 27 December 2019, 1, par. 6, and 22, par. 4, of the Law Decree 30 December 2019, No. 162, converted, with amendments, by the Law 28 February 2020, No. 8, 74 bis, par. 2, of the Law Decree 17 March 2020, No. 18, converted, with amendments, by the Law 24 April 2020, No. 27, and 7, par. 13, of the Law Decree 1° March 2021, No. 22, converted, with amendments, by the Law 22 April 2021, No. 55. The current text is the following: “6. *The offices referred to in par. 1 to par. 5 may be conferred, by each administration, up to a limit of 10 per cent of the staffing of managers belonging to the first bracket of roles referred to in article 23 and 8 per cent of the staffing of those belonging to the second bracket, for a fixed term to the subjects indicated in this comma. In any case, the duration of these offices cannot exceed three years for managerial positions referred into par. 3 and par. 4, and five years for the other ones. These positions are conferred, providing explicit motivation, to persons of particular and proven professional qualification, not otherwise available within the Administration, who have carried out activities in public or private bodies as well as in public or private companies with an experience of at least five years in managerial functions, or who have achieved a particular professional, cultural and scientific specialization inferable from university and post-graduate training, from scientific publications and from concrete work experience matured for at least five years, also within state administrations, including those which confer the positions, in functional positions for accessing the management, or that come from the sectors of research, university teaching, the judiciary and the roles of lawyers and state prosecutors. The salary can be supplemented by an indemnity commensurate with the specific professional qualification, taking into account the temporary nature of the relationship and the market conditions relating to the specific professional skills. For the term of office, employees of public administrations are placed on unpaid leave, with recognition of length of service. The university training required by this paragraph shall be at least the possession of a specialist or master's degree or a bachelor's degree obtained according to the didactic system prior to the regulation referred to in the Decree of the Minister of Universities and Scientific and Technological Research of 3 November 1999, No. 509”;*



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d) par. 6 *quarter* was amended by Articles 1, par. 6, and 22, par. 4, of the Law Decree 30 December 2019, No. 162, converted, with amendments, by the Law 28 February 2020, No. 8. The current text is the following: “*6-quarter. For the research bodies referred to in Article 8 of the regulation referred to in the Decree of the President of the Council of Ministers 30 December 1993, No. 593 , the total number of positions that can be conferred pursuant to par. 6 is raised respectively to 20 per cent of the staffing endowment of managers belonging to the first bracket and to 30% of the staffing endowment of managers belonging to the second bracket, provided that the positions exceeding the percentages referred to in par. 6 are assigned to staff in service with the qualification of researcher or technologist after an internal selection aimed at ascertaining the possession of proven long-term experience and specific professionalism by the subjects involved in the subjects covered by resources available under current legislation*”.

29. As for Articles 19-29 of the Legislative Decree 15 June 2015, No. 81, the Italian Government specifies that only Articles 19, 20, 21, 23, 28 and 29 were modified since the submission of the complaint.

30. Article 19, parr. 1, 1 *bis*, 2, and 4, of the Legislative Decree 15 June 2015, No. 81 was modified by Articles 1, parr. 1, letter b), 2 and 3, of the Law Decree 12 July 2018, No. 87, converted, with amendments, by the Law 9 August 2018, No. 96, and 1, par. 403, of the Law 30 December 2018, No. 145.

31. The current text is the following: “*1. A term of no more than twelve months may be affixed to the subordinate employment contract. The contract may have a longer duration, but in any case it cannot exceed twenty-four months as long as at least one of the following conditions applies:*

a) temporary and objective needs, unrelated to ordinary activities, or the need to replace other workers;



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b) needs related to temporary, significant and non-programmable increases in ordinary activity.

1-bis. In case of stipulation of a contract lasting more than twelve months in the absence of the conditions referred to in paragraph 1, the contract is transformed into a permanent contract from the date of exceeding the twelve-month term.

2. Without prejudice to the different provisions of collective agreements, and with the exception of seasonal activities referred to in Article 21, paragraph 2, the duration of fixed-term employment relationships between the same employer and the same employee, as a result of a succession of contracts, concluded for the performance of duties of the same level and legal category and regardless of the interruption periods between one contract and another, it cannot exceed twenty-four months. For the purposes of calculating this period, one shall also take into account the duration of the performance of duties of the same level and legal category, carried out between the same subjects, in the context of temporary employment contracts. If the twenty-four-month limit is exceeded, as a result of a single contract or a succession of contracts, the contract is transformed into a permanent contract from the date of such exceeding. [OMISSIS]

4. With the exception of employment relationships lasting no more than twelve days, the affixing of the term to the contract has no effect unless it is stated in a written document, a copy of which must be delivered by the employer to the employee within five working days from the start of the service. The written document contains, in case of renewal, the specification of the requirements referred to in paragraph 1 on the basis of which it is stipulated; in the event of an extension of the same relationship, this indication is only necessary when the overall term exceeds twelve months”.

32. Article 20, par. 1, letter c), of the Legislative Decree 15 June 2015, No. 81, was modified by Articles 19 *bis*, par. 1, of the Law Decree 17 March 2020, No. 18, converted, with amendments, by the Law 24 April 2020, No. 27, and 12 *bis*, par. 1, of the Law Decree



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28 October 2020, No. 137, converted, with amendments, by the Law 18 December 2020, No. 176.

33. The current text is the following: “*1. The affixing of a term to the duration of an employment contract is not allowed: [OMISSIS] c) at production units in which a suspension of work or a reduction in working hours under the wage supplement scheme are operating, involving workers assigned to the tasks to which the fixed-term contract refers*”.

34. Article 21 of the Legislative Decree 15 June 2015, No. 81, was modified by Articles 1, par. 1, letter b), 2 and 3, of the Law Decree 12 July 2018, No. 87, converted, with amendments, by the Law 9 August 2018, No. 96, 1, par. 403, of the Law 30 December 2018, No. 145, 19 *bis*, par. 1, of the Law Decree 17 March 2020, No. 18, converted, with amendments, by the Law 24 April 2020, No. 27, 93, par. 1, of the Law Decree 19 May 2020, No. 34, converted, with amendments, by the Law 17 July 2020, No. 77, 8, par. 1, letter a), of the Law Decree 14 August 2020, No. 104, converted, with amendments, by the Law 13 October 2020, No. 126, 12 *bis*, par. 1, of the Law Decree 28 October 2020, No. 137, converted, with amendments, by the Law 18 December 2020, No. 176, and 1, par. 279, of the Law 30 December 2020, No. 178.

35. The current text is the following: “*01. The contract can be renewed only under the conditions referred to in Article 19, paragraph 1. The contract can be extended freely within the first twelve months and, subsequently, only in the presence of the conditions referred to in Article 19, paragraph 1. In case of violation of the provisions of the first and second periods, the contract is transformed into a permanent contract. Contracts for seasonal activities, referred to in paragraph 2 of this article, can be renewed or extended even in the absence of the conditions referred to in article 19, paragraph 1.*

1. The term of the fixed-term contract can be extended, with the consent of the worker, only when the initial duration of the contract is less than twenty-four months, and, in any case, for a maximum of four times within twenty-four months regardless the number of contracts.



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If the number of extensions is higher, the contract is transformed into a permanent contract from the effective date of the fifth extension.

2. If the worker is hired for a fixed term within ten days from the expiry date of a contract lasting up to six months, or twenty days from the expiry date of a contract lasting more than six months, the second contract becomes permanent contract. The provisions referred to in this paragraph do not apply to workers employed in seasonal activities identified by decree of the Ministry of Labour and Social Policies as well as in the cases identified by collective agreements. Until the adoption of the decree referred to in second period, the provisions of the Decree of the President of the Republic of 7 October 1963, No. 1525, continue to apply.

3. The limits set out in this article do not apply to innovative start-up companies referred to in Article 25, paragraphs 2 and 3, of the Law Decree No. 179, converted, with amendments, by the Law 17 December 2012, No. 221, for the period of four years from the establishment of the company, or for the more limited period provided for by paragraph 3 of the aforementioned Article 25 for companies already established”.

36. Article 23 of the Legislative Decree 15 June 2015, No. 81, was modified as follows:

a) par. 2, letter d), was amended by Article 1, par. 1, of the Legislative Decree 7 December 2017, No. 202. The current text is the following: “2. *Fixed-term contracts are exempt from the limit referred to in paragraph 1, as well as from any quantitative limitations provided for by collective agreements, provided that they are concluded: [OMISSIS] d) for specific shows or specific radio broadcasts or television programs or for the production of specific audiovisual works”;*

b) par. 3 was modified by Article 27 bis, par. 2, of the Law Decree 30 December 2019, No. 162, converted, with amendments, by the Law 28 February 2020, No. 8. The current text is the following: “3. *The percentage limit referred to in paragraph 1 does not apply, moreover, to fixed-term employment contracts stipulated for the implementation and monitoring of development cooperation initiatives pursuant to Law No. 125, or between*



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private universities, including subsidiaries of foreign universities, public research institutes or private research bodies and workers called upon to carry out teaching, scientific or technological research, technical assistance or coordination and management of the same, between state-owned cultural institutes or public and private entities resulting from the transformation of previous public entities, supervised by the Ministry of Cultural Heritage and Activities and Tourism, with the exception of musical production foundations referred to in Legislative Decree 29 June 1996, No. 367, and workers employed to meet temporary needs related to the realization of exhibitions, events and manifestations of cultural interest. Fixed-term employment contracts that have the exclusive purpose of carrying out scientific research or development cooperation activities pursuant to Law No. 125 may have a duration equal to that of the research project to which they refer”.

37. Article 28, par. 1, of the Legislative Decree 15 June 2015, No. 81, was modified by Articles 1, par. 1, letter c), 2 and 3, of the Law Decree 12 July 2018, No. 87, converted, with amendments, by the Law 9 August 2018, No. 96, and 1, par. 403, of the Law 30 December 2018, No. 145.

38. The current text is the following: *“1. The challenge of the fixed-term contract must take place in accordance with the terms set forth in the first paragraph of article 6 of the law of 15 July 1966, no. 604, within one hundred and eighty days from the termination of the single contract. The second paragraph of the aforementioned article 6 also applies”.*

39. Article 29 of the Legislative Decree 15 June 2015, No. 81, was amended as follows:
a) par. 2, letter b), was modified by Articles 1, par. 3, and 2, par. 01, of the Law Decree 12 July 2018, No. 87, converted, with amendments, by the Law 9 August 2018, No. 96, and 1, par. 403, of the Law 30 December 2018, No. 145. The current text is the following: *“2. The following are also excluded from the scope of this chapter: [OMISSIS] b) relations for the execution of special services lasting no more than three days, in the tourism sector and*



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public businesses, in the cases identified by collective agreements, as well as those established for the supply of temporary port work referred to in article 17 of the Law of 28 January 1994, No. 84, without prejudice to the obligation to communicate the establishment of the employment relationship within the previous day”;

b) parr. 3 bis and 3 ter were amended by Article 1, par. 1, of the Law Decree 28 June 2019, No. 59, converted, with amendments, by the Law 8 August 2019, No. 81. The current text is the following: “3-bis. *Without prejudice to the provisions of Article 23, in the presence of contingent or temporary needs determined by the heterogeneity of artistic productions that requires the employment of additional artistic and technical personnel or, in compliance with the provisions of the collective agreement for the category, by the replacement of temporarily absent workers, the lyric symphonic foundations referred to in Article 1 of Legislative Decree No. 367 and of which to the Law 11 November 2003, No. 310, the traditional theatres referred to in Article 28 of Law No. 800, and the subjects financed by the Single Fund for the show who apply the national collective labour agreement of the symphonic lyric foundations can stipulate, with a written deed under penalty of nullity, one or more fixed-term employment contracts for the performance of duties of the same level and legal category, for a duration that cannot exceed in total, starting from July 1st 2019, without prejudice to the various provisions of collective agreements, thirty-six months, even if not continuous, also resulting from subsequent extensions or renewals. Under penalty of nullity, the contract bears the express indication of the condition which, pursuant to this paragraph, allows for temporary employment, extension or renewal. This requirement is also fulfilled through the precise reference to the realization of one or more shows, of one or more artistic productions for which the employment of the worker hired with a fixed-term employment contract is intended. Without prejudice to the mandatory nature of the written form under penalty of nullity, this paragraph does not apply to workers employed in seasonal activities identified pursuant to Article 21, paragraph 2.*

3-ter. The violation of mandatory rules regarding the constitution, duration, extension or renewal of fixed-term employment contracts referred to in paragraph 3-bis does not entail



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their conversion into permanent contracts. The worker concerned has the right to compensation for damage resulting from the performance of work in violation of mandatory provisions. Foundations are obliged to recover the sums paid in this capacity from the responsible managers, if the violation is due to wilful misconduct or gross negligence”.

40. Article 20, parr. 1, lett. c), 2, 3 and 11 *bis* of the Legislative Decree 25 May 2017, No. 75, was modified by Article 1, parr. 7 *bis*, letters a), b) c) and 8, of the Law Decree 31 December 2020, No. 183, converted, with amendments, by Law 26 February 2021, No. 21.

41. The current text is the following: “1. *The administrations, in order to overcome precarious work, reduce the use of fixed-term contracts and enhance the professionalism acquired by staff with a fixed-term employment relationship, may, until December 31st 2021, in line with the three-year plan of personnel needs referred to in Article 6, paragraph 2, and with the indication of the relative financial coverage, to hire on an open-ended contract the non-executive staff who possess all the following requisites: [OMISSIS] c) has accrued, as of December 31st 2021, being employed by the administration referred to in letter a) which proceeds to the recruitment, at least three years of service, even if not continuous, in the last eight years; [OMISSIS]*

2. Until December 31st 2021, the administrations may initiate, in accordance with the three-year plan of personnel needs referred to in Article 6, paragraph 2, and without prejudice to the guarantee of adequate external access, subject to indication of the relative financial coverage, reserved competitions, to an extent not exceeding fifty percent of the available places, for non-executive personnel who possess all the following requirements:

- a) he is the owner, after the date of entry into force of the Law No. 124 of 2015, of a flexible employment contract with the administration that announces the competition;*
- b) he has accrued, as of December 31, 2021, at least three years of contract, even if not continuous, in the last eight years, with the administration that announces the competition.*



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3. *Without prejudice to the rules for the containment of personnel expenditure, the public administrations, until December 31st 2021, for the sole purposes referred to in paragraphs 1 and 2, may raise the ordinary financial limits for permanent recruitment provided for by the regulations in force, net of the resources allocated to recruitment on permanent contracts through public competition, using for this purpose the resources provided for flexible employment contracts, within the spending limits referred to in Article 9, paragraph 28, of the Law Decree 31 May 2010, No. 78, converted by the Law 20 July 2010, No. 122, calculated to an extent corresponding to their average amount in the three-year period 2015-2017 provided that the same administrations are able to sustain the related personnel expenditure upon certification of the existence of the related financial resources by the internal control body referred to in article 40-bis, paragraph 1, and that they provide in their financial statements for the contextual and definitive reduction of this value of expenditure used for permanent recruitment from the ceiling referred to in the aforementioned article 9, paragraph 28. [OMISSIS]*

11-bis. In order to address the serious shortage of personnel and overcome precarious work, as well as to ensure continuity in the provision of essential levels of assistance, for medical, technical-professional and nursing, managerial and non-executive personnel of the National Health Service, the provisions referred to in paragraphs 1 and 2 shall apply until December 31st 2022. For the purposes of this paragraph, the deadline for achieving the requirements referred to in paragraph 1, letter c), and paragraph 2, letter b), is established on of December 31st 2021, without prejudice to the length of service already accrued on the basis of the provisions in force at the date of entry into force of this decree”.

E) Statistical information concerning the civil servants recruited to managerial positions by fixed-term contracts for more than 36 months.

42. Finally, the Committee has invited the parties to provide statistical information about the number of civil servants recruited to managerial positions by fixed-term contracts for more than 36 months.



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43. In this regard, the Italian Government does not have statistical data to provide to the Committee.

44. However, the Revenue Agency communicated that - since the submission of the complaint - it had renewed the fixed-term contracts for employees in charge of management functions in only six cases.

45. Instead, the Customs Agency communicated that it had not renewed the mentioned fixed-term contracts for more than 36 months.

Rome, May 14th 2021

Drafted by

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