



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

30 November 2022

**Case Document No. 4**

***Unione sindacale di base (USB) v. Italy***  
Complaint No. 208/2022

**REPLY FROM THE GOVERNMENT  
TO USB'S RESPONSE**

**Registered at the Secretariat on 15 September 2022**



*Ufficio dell' Agente del Governo  
davanti alla Corte europea dei diritti dell' uomo*

**AVVOCATURA GENERALE DELLO STATO**

**European Committee of Social Rights (ECSR)**

*Collective complaint n. 208/2022*

*Unione Sindacale di Base (USB) vs Italy*

**FURTHER OBSERVATIONS OF THE  
ITALIAN GOVERNMENT  
ON THE ADMISSIBILITY OF COLLECTIVE COMPLAINT**

Ct 16381/22  
Proc. Andrea Lipari



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**I. Introduction**

1. With the letter dated 29<sup>th</sup> July 2022, the Secretariat of the General Directorate of the European Social Charter requested the Italian Government to present their replies to the observations submitted by Unione Sindacale di Base (USB) (“the complainant”).
2. In compliance with the Secretariat of the European Social Charter request, the Government submit the following replies.

**II. Admissibility of the complaint**

3. The applicant submits that the Italian Government, in joining the proceedings registered under No 208 of 2022 before the European Committee of Social Rights, merely raised a plea of inadmissibility to the European Committee of Social Rights, merely raised an objection of inadmissibility of the collective complaint, without entering into the merits of the matter submitted to the European Social Committee.
4. On this regard, it should be noted that, with the letter dated 20<sup>th</sup> April 2022, the Secretariat of the General Directorate of the European Social Charter requested the Italian Government to present their observations on the admissibility of the collective complaint submitted by Unione Sindacale di Base.
5. Therefore, in compliance with the Secretariat of the European Social Charter request, the observations lodged on 31<sup>st</sup> May 2022 were limited to the admissibility of counterparty’s complaint.
6. Having said that, the Government reiterate that, in their opinion, USB has no legitimacy in the present case, due to a lack of representativeness. Indeed, no suitable evidence has been provided or attached to the complaint on this point, on the grounds of the observations of 31 May, to which full reference is made.



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7. Since the present stage is limited to the examination of the applicant's standing under Rules 29 and 30 of the Rules of Procedure, the Government reserve the right to submit observations on the merits of the claims.

8. In light of the present observations, the Italian Government request the Committee to dismiss the case by declaring the Complaint inadmissible, pursuant to Article 1 of the Additional Protocol of 1995 for a system of collective complaints, since the Complainant's lack of representativeness.

Rome, 15<sup>th</sup> September 2022

Drafted by

*Andrea Lipari* –Procuratore dello Stato

The Agent of the Italian Government  
*Lorenzo D'Ascia* – Avvocato dello Stato