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

3 June 2024

Case Document No. 7

Sindacato Autonomo Comitato Nazionale Pompieri (CO.NA.PO.) v. Italy
Complaint No. 214/2022
Complaint No. 215/2022

**REPLY FROM THE GOVERNMENT
TO CO.NA.PO.'S RESPONSE ON THE MERITS**

Registered at the Secretariat on 8 May 2024



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

AVVOCATURA GENERALE DELLO STATO

European Committee of Social Rights (ECSR)

Collective complaints nn. 214/2022 and 215/2022

Sindacato Autonomo Comitato Nazionale Pompieri (Co.Na.Po) vs. Italy

**FURTHER OBSERVATIONS OF THE
ITALIAN GOVERNMENT ON THE MERITS**

Ct 41192/2022
Avv. Monica De Vergori



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1. With the letter dated 4 April 2024, the Secretariat of the General Directorate of the European Social Charter requested the Italian Government to present its replies on the collective complaints nn. 214/2022 and 215/2022 (“the complaints”), submitted by Sindacato Autonomo Comitato Nazionale Pompieri (CO.NA.PO.) (“the complainant”).
2. In compliance with the Secretariat of the European Social Charter request, the present observations are limited to the reply to the union's counterclaims.
3. In particular, the government point out, as a preliminary remark, that a reading of the union's comments reveals a misinterpretation of the applicative effects of the salary harmonisation achieved by Article 20 of Decree-Law No. 76 of 16 July 2020 (converted into Law No. 120 of 1 September 2020).
4. In particular, the trade union organisation CO.NA.PO. disputes the assertion that the economic improvements brought about by the legislative measure are only applicable to national corps personnel recruited after the year 2020 (the year in which the new salary measures take effect).
5. According to the trade union organisation, therefore, firefighters recruited before 2020 would not have benefited from the salary improvements brought about by Decree-Law 76/2020, leading, improbably, to “*a double track of salary compensation treatments among the same firefighters simultaneously in service*”.
6. On this point, it is clarified that, contrary to what the claimants union asserts, the situation is completely different, **since it is self-evident that the salary improvements in question concerned all staff in service on 1 January 2020.** In fact, the workers hired before 2020 had their salaries recalculated in accordance with the harmonisation measure, while those hired after 2020 were given the “harmonised” salary due.
7. **Therefore, no discrimination materialised between personnel hired before and after 2020.**
8. The salary improvements brought about, as from 2020, by the aforementioned Article 20 of Decree-Law No. 76/2020, could not, however, be applied to employees who had left as of



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31 December 2019 and who, therefore, did not benefit from them, not even in terms of pensions.

9. On this last aspect, reference is made to what has already been pointed out in the observations, namely that the financing brought about by Article 1, paragraph 133, of Law No. 160 of 27 December 2019, destined for the salary harmonisation of the National Corps' personnel, started from the year 2020 (with €65 million for the first year, €120 million for 2021 and €165 million at regime from 2022).

10. The rule in question, financed as of the year 2020, provided for the new salary for the future, for all those in service on the planned effective date. Therefore, the union's argument that the legal provision (again, Decree-Law 76/2020) should have also applied to these persons cannot be accepted, as this would be an inadmissible interpretation of the rule with retroactive effects.

11. We therefore insist on the rejection of the adverse claims for all the arguments already set out in the observations.

CONCLUSIONS

In light of the present observations, the Italian Government requests the Committee to dismiss the appeal as unfounded.

Rome, 8th May 2023

Drafted by

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