



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

12 October 2022

**Case Document No. 1**

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

**COMPLAINT  
(Original in Italian)**

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

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
STRASBOURG**

**COLLECTIVE COMPLAINT**

ARTICLE 1(C) OF THE ADDITIONAL PROTOCOL TO THE ESC

For the attention of the

**Executive Secretary of the European Committee of Social Rights**

Department of the European Social Charter and the European Social Security Code

Directorate General Human Rights and Rule of Law

**COUNCIL OF EUROPE**

**F – 67075 Strasbourg Cedex**

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**by the Italian trade union**

***CO.NA.PO.***

*“SINDACATO AUTONOMO COMITATO NAZIONALE POMPIERI”  
 (“INDEPENDENT TRADE UNION NATIONAL COMMITTEE OF  
FIREFIGHTERS”)*

against

**ITALY**

The trade union has chosen to be represented by Counsel Michele Scolamiero and Counsel Federico Di Salvo

and has chosen to establish its service address at

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Naples, Italy, 27 July 2022

Executive Secretary of the European Committee of Social Rights  
Department of the European Social Charter and the European Social Security Code  
Directorate General Human Rights and Rule of Law  
COUNCIL OF EUROPE  
F – 67075 Strasbourg Cedex

Sent by email to: [social.charter@coe.int](mailto:social.charter@coe.int)

**OBJECT: Collective Complaint against the Italian Republic.**  
**REMUNERATION OF FIREFIGHTERS IN SERVICE**

*For the attention of the Executive Secretary of the European Committee of Social Rights,*

In my capacity as the **Representative of the Italian trade union CO.NA.PO.**, I have the honour of submitting to you this Collective Complaint against Italy pursuant to Article 1(c) of the Additional Protocol to the European Social Charter (doc. A).

**As a preliminary matter, I request authorisation to use the ITALIAN language** within this procedure.

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**1. Standing to act of the trade union CO.NA.PO.**

The trade union CO.NA.PO. ([www.conapo.it](http://www.conapo.it)) is the collective representation body associated with the Italian National Firefighters' Corps (hereafter the Firefighters' Corps) that is most representative in Italy. It operates entirely independently of the public administration, the government and political parties or any grouping or ideology.

The members of this trade union, who currently number around 6 500, are firefighters in Italy who are either working under permanent contracts of employment or have retired.

The objective of this trade union is to represent the interests of all firefighter personnel and to study, coordinate, seek to defend and fulfil the economic, legislative, legal, professional, welfare-related, moral and material interests of members before all public and private bodies.

Amongst its various activities, CO.NA.PO plays a prominent role in taking steps – by organising debates and democratic demonstrations – to promote career reform for all firefighter staff, and in particular to achieve “*salary recognition for the specialisations and specific aspects of the corps, on an equal footing with other police forces (Article 1(m); (...) and equal pensions for retired personnel from the Firefighters’ Corps with pensioners of other State entities operating in the public safety and security sector*”. (Articles 1 and 3 of the Charter – doc. 1) .

Throughout its history, CONAPO has demonstrated, negotiated, and pursued numerous claims, details of which are provided on the website <http://www.conapo.it/new/le-proteste-del-conapo> .

## 2. ABSTRACT – INTRODUCTION

With **this Complaint**, CO.NA.PO. refers to the European Committee of Social Rights the issue of serious **discrimination in relation to salaries and pensions affecting a large number (at least 4 600) of Italian firefighters currently in service**, who have not obtained the promised equal treatment – in terms of remuneration that takes account of the risks associated with their work – with **persons belonging to other corps, all forming part of the Civil Defence segment, who are exposed to the same risks and dangers, as these other corps are arbitrarily treated more favourably**. This entirely Italian situation nonetheless reflects a trend involving a lack of appreciation for firefighters compared to other safety, security and civil defence corps which also occurs in other European countries.

This document therefore sets out the *less favourable* situation of those Italian firefighters who, despite being exposed to the same types of risks and stressful dangers as their colleagues from other forces and corps comprising the State Civil Defence segment, and **despite having a legitimate expectation of the harmonisation of status and remuneration, are on the contrary treated less favourably in terms of salary (and hence also pensions) than colleagues from other corps**. This constitutes a clear breach of international principles and standards on non-discrimination in the provision of fair pay, compensation for risky and strenuous work as well as an adequate and progressively improving pension and social security framework, given equivalent social and employment conditions.

This discrimination results, unfortunately, from the **failure to apply and implement legislation which, considered in the abstract, would by contrast have represented an important step in the recognition of the strenuous and risky work of all firefighters when compared with all other State forces and corps that are subject to the same operational risks and that are required to perform strenuous work** (a typical trade union battle of CO.NA.PO.)

**In fact, legislation introduced by the Italian legislature which should – in theory – have resulted in the proper application of the principles of equal protection for workers under the European Social Charter as well as international labour and social standards actually resulted in a serious and discriminatory violation.**

**In enacting Law no. 183/2010, in force since 4 November 2010 ( doc. 2) with the aim of regulating in a similar manner all “strenuous public services” and in providing for the “reorganisation of entities, time off work, leaves of absence and permitted absences, social stabilisers, employment services, incentives to work, apprenticeships and female employment”, the State recognised in relation to Article 19 that, “when establishing the regulatory frameworks, careers and content of the employment relationship as well as financial, pension and welfare protection”... the ... “specific nature of the role performed by the armed forces, the police forces and the Firefighters’ Corps as well as the legal status of the respective personnel**

*[should be] recognised, having regard to the specific nature of the tasks, obligations and personal constraints provided for under law and regulations with regard to the functions of protecting democratic institutions and defending public order and internal and external security, as well as the specific dictates of operational efficiency required and the related deployment to strenuous activities”.*

**Almost ten years later, in making provision within the Finance Law for 2020<sup>1</sup> (doc. 19) to implement the legislation from 2010, and after many years of trade union claims by CO.NA.PO, along with promises and legitimate expectations – the Italian State provided (although only) with effect from 2020 onwards – and without any transitional provisions ( !!! ) – for equal treatment in terms of salary and pension for firefighters as compared with the members of other police forces who are subject to the same risks, and all of whom fall under the category of “State Civil Defence” corps: this is a functional category of police forces that are exposed to the same risks and strenuous work for the purposes of Law no. 183/2010 and who thus all deserve the same conditions and remuneration. This was accompanied by the establishment of a dedicated State spending allocation (165 million euros).**

This occurred with the stated intention of overcoming the legacy of the previous incomplete normative framework, which had resulted in a failure to establish equivalence between the above-mentioned corps. **The legislation provided for identical allowances and the same overall professional salary, having regard to the autonomy and specificities of the respective corps and in relation to the same administrative ranks (within the hierarchy of the same ministry).**

However, this pension and salary recognition, which was introduced after a delay in implementing the 2010 legislation (which had been enacted ten years earlier), **took effect for persons hired to the Firefighters’ Corps on or after 1 January 2020; however, no provision was made in respect of relationships established prior to 2020 that were still in existence, i.e. with regard to the remuneration of the overwhelming majority of firefighter personnel still working within the *same services*.**

**This provision for equivalence will have the effect of compounding and extending over the years any existing salary differences**, as it is applied directly to fixed, ongoing salary elements (basic salary, pensionable risk allowance, special duties allowance), thereby leaving a range of elements for which equivalence has not been established and which have not been reassessed for all of the years during which equivalence was not provided for.

**However, given the lack of any transitional provision, this measure is incomplete, as it does not apply to the majority of firefighters in service, namely those appointed before 2020.**

It should also be added that the funds allocated cannot be effective even from 2020 onwards unless the currently applicable salary tables – which are still those applicable before the finance law (doc. 3), and which are being renegotiated again by CO.NA.PO – are specifically reviewed. This is because the allocation of funds by law does not automatically entail their payment to the beneficiaries: the allocation of funds provided for under the finance law would remain entirely notional in the event that the tables and individual allocations were not renewed (doc. 4).

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<sup>1</sup> Law no. 160/2019 (Article 1(133) et seq.) and later with Article 20 of Decree-Law no. 76/2020 of 16 July 2020 – converted into law by Law no. 120 of 11 September 2020.

Almost as part of a strategy of inadequacy, in response to the continuous and increasingly frequent reports made by the public, Decree-Law no. 76/2020 of 16 July 2020 (Doc. 5) was issued whilst this Complaint was being drafted. Article 20(1)-(16) of the Decree-Law seeks specifically to review the tables at issue for 2020 onwards – acknowledging the need to make urgent provision “in the field of digital innovation”, in order to innovate with a view to receiving resources from the European Recovery Fund. **HOWEVER, when these tables (Annex B to doc. 5) were reviewed, the gaps within the previous tables were NOT filled with future effect; this shortcoming is specifically objected to here** (cf. also doc. 6).

Since the law is silent on the matter, and given the inadequacy of the implementation measures, it is hence clear that this results in **discrimination**:

- a) between **personnel from the firefighters’ segment and those of other corps** performing identical duties in relation to State Civil Defence as regards the gaps still remaining;
- b) among the **very personnel comprising the Firefighters’ Corps**, specifically **between personnel *still in service* whose contract started before 1 January 2020, and thus straddles the period falling before and after the application of the new, economically more favourable provisions (from 2020 onwards) – which, however, made no provision in respect of previous periods** for the purposes of either remuneration (receipt of amounts due from this time onwards but not previously received) or contributions (failure to set aside amounts in the past for future pensions, having regard to the different and more favourable legislation applicable in future) – **and those who were appointed after 1 January 2020 and work in the same duties, who will at the same time progress through the same roles and levels of seniority, but starting from a higher salary, allowance and pensionable base.**

In fact, firefighters appointed prior to 1 January 2020 are not only paid lower salaries and allowances than those paid to colleagues with equal seniority appointed after 1 January 2020 but are also penalised in terms of their pension. This is because the pensionable contribution base under their contracts until 1 January 2020 will be that resulting from the previous (less favourable) remuneration, thereby carrying forward this disparity into the future pension, which will thus always be affected by the initial less favourable period of the employment contract.

**Accordingly, acting in the name of all firefighters (all of whom benefit from the legitimate expectation created by Law no. 183/2010 and the intention to ensure equal treatment with other State corps), but above all in the name of those still in service who were appointed before 1 January 2020, and who are thus treated less favourably than their colleagues performing identical duties appointed from 2020 onwards, CO.NA.PO OBJECTS that the European Social Charter has been violated since**, despite the intention to the contrary proclaimed by the legislature (i.e. the declared intention of harmonising the position for all corps to compensate the same risks, creating equivalence specifically for the Firefighters’ Corps), the vast majority of firefighters in service, who were appointed before 1 January 2020, will be discriminated against in terms of contributions, remuneration and allowances:

- compared to colleagues from other State Civil Defence corps who are employed by the same State administration, namely the Interior Ministry, such as for example the State Police – who are assigned to and exposed to the same operational risks, who fall within the same category and who benefit from more favourable status and remuneration;

- and also even – on an arbitrary temporal basis – compared to their firefighter colleagues with equal rank, length of service and duties, but who differ only in terms of the year of appointment (2020 or later), who now receive a higher salary, and when they retire will receive a larger pension.

For the sake of completeness, the following BACKGROUND INFORMATION will present the historical and legal developments that establish the analogy between the Firefighters' Corps and the other State Civil Defence corps. It was on account of this analogy that the Italian legislature took action in 2010 to ensure equivalent treatment for all firefighters in terms of salary, status and pension, in order to ensure that they all benefited from harmonisation with other corps.

### **BACKGROUND INFORMATION**

#### **THE ANALOGY BETWEEN THE FIREFIGHTERS' CORPS AND THE OTHER STATE CIVIL DEFENCE CORPS AND THE NEED FOR RECOGNITION IN TERMS OF SALARY ("RISK ALLOWANCE") AND HENCE PENSIONS ON AN EQUAL FOOTING WITH OTHER CORPS THAT ARE EXPOSED TO THE SAME RISKS AND STRAIN**

**The overall status, powers, capacities, duties and exposure to risk of the Firefighters' Corps – which in legal terms renders the position “*analogous, identical, or considerably similar*” (including for the purposes of Article 14 ECHR) for all members of corps for which the law has now recognised the need for harmonisation (doc. 1 and 3) – results from a history of shared duties and responsibilities for assistance and public order, civil defence and policing, as well as the prevention and combating of emergencies amongst the State corps... [as well as] analogies and similarities between and specific features of corps, which are structured hierarchically and governed by public law, and also functionally united under the co-ordination of the Interior Ministry.**

This analogy or equivalence has been claimed and promised over the years, **and has been well-known to the legislature since the end of the 1990s. It has been discussed as a news item:** a) due to the legitimate public claims made by members of **firefighters' committees** claiming those rights (doc. 1); and b) due to the dedicated involvement of **civil society** which – in response to the numerous and saddening natural disasters that have afflicted parts of Italy, or extraordinary requirements of public order, necessity and urgency – cannot understand why the Firefighters' Corps should be given less economic consideration and prestige than the – other organised State Civil Defence corps (docs. 7) and c) due to **legislative initiatives** within Parliament (doc. 8) and **draft legislation tabled** in Parliament (doc. 9) with the aim of resolving this situation. In particular, the Firefighters' Corps has been deployed by the State in various settings on an extraordinary basis in order to perform an extremely broad range of official tasks. These are **heterogeneous tasks, which have never been recognised in a consistent manner.**

Over the years, firefighters have been assigned in an unfortunately disorderly and inorganic manner to perform ALL tasks, and in some areas even those of *preventive and judicial policing*, which have traditionally fallen within the purview of other corps: these assignments have proved to be essential at various points in time due to reasons of necessity and urgency. The history of the Firefighters' Corps is thus an extremely disorderly history involving a **progressive extension of tasks**, which have become increasingly varied and onerous. As this has not involved the award of any remuneration in line with the increase in competences, it has never been fully constitutional (in the light of Articles 36 and 54 of the Constitution, which refer to the concepts of *wage dignity* and *honour* as being necessary in order to enable public offices to operate), and

**has not fulfilled the legitimate expectations (Article 1 of Protocol 1 to the ECHR) of fair pay compared to the other corps, which have always also performed those very same duties.**

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Since the enactment of Law no. 1570 of 27 December 1941, the position has been that the Firefighters' Corps has been directly answerable to the Interior Ministry and has been charged with the function of *protecting the physical safety of individuals and securing property through fire prevention and firefighting* etc. Article 8 of that Law provides that "*when performing their duties, firefighters shall be regarded as public security officers and, when travelling for service-related purposes, shall enjoy the same benefits as those granted to public law enforcement officials*". "*Officers and non-commissioned officers shall have the status of judicial police officers; senior firefighters and ordinary firefighters shall have the status of judicial police officers*". (doc. 10).

These tasks were confirmed by Law no. 469 of 13 May 1961, Article 9 of which stressed the civilian nature of the corps, without, however, changing its official tasks and duties, which were specified as being those of judicial or security police officers or officials (Article 16), and in general the protection of the physical safety of persons within the ambit of "public security activity" in the event both of natural disasters as well as of armed conflict (Article 1). (doc. 11). In fact, the remuneration payable to firefighters was equivalent to that payable to members of the military (Article 75). Firefighters have always been, and will always be, on call 24 hours a day throughout the entire country, as *police forces* pursuant to Article 16 of Law 121/81.

The First Consultative Division of the Council of State (opinion no. 1571/78 of 12 January 1979) held inter alia that "*the activity of fire prevention and firefighting and also, more generally, the protection of the physical safety of persons fall within the ambit of 'public security activity', of which firefighters are a specific manifestation ratione materiae*" (doc. 12).

In the aftermath of the historic reorganisation of government structures and departments at the end of the 1990s, by a circular of 13 February 1998, the Interior Ministry provided for the presence and usage of the **Firefighters' Corps within public order deployments** (doc. 13). The Firefighters' Corps also has a clear and well-established power of investigation and inquiry, including for preventive and punitive purposes, as a **corps within the judicial police.** (doc. 13 bis).

The concept of **Civil Defence** is a functional concept that leads to an amalgamation of tasks (involving defence and protection, not attack, incorporated into the concept of public order and safety for persons and property) and exposure to a common and identical risk, with the result that the individual deployments made within this area do not differ from one another depending upon the corps of origin of the body deployed. This fact is acknowledged and proven as a matter of law by virtue of the systematic recourse to the concept as well as the use of the category of "Civil Defence" throughout the various branches of the administrative system, which includes the State Police, the Civil Protection Service, voluntary organisations, the Red Cross, and so on, which are functionally co-ordinated in order to perform these tasks by the Interior Ministry.

Other **circumstances are testament to the analogy or equivalence** between the Firefighters' Corps and other corps, which underlay the choice made by the legislature to achieve harmonisation. Within **incidental proceedings brought before the Constitutional Court in 1999, the Council of State questioned the constitutionality<sup>2</sup> of provisions that failed to extend to firefighters the pensionable allowance** (Article 43(3)

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<sup>2</sup> - Due to the violation of Articles 3(1), 36(1) and 97 of the Constitution on the grounds that, in providing for remuneration for firefighters that was less favourable and not proportionate with the volume and quality of the work performed, they violated the principles of equality, reasonableness and rationality which must underpin the law, as



of Law no. 121 of 1981) paid to civilian or military employees or the State or of public bodies other than the State Police (Carabinieri, Tax Police, Correctional Officers' Corps – now the Penitentiary Police Corps – and State Forestry Corps). According to the referring court, the principle of equal pay for the Firefighters' Corps and police forces was also required under various legislative provisions concerning the benefits payable to the families of persons who had died in service, payments made to conscripts volunteering for alternative service who have become incapacitated during the course of their duties, as well as provisions on the (now abolished) housing allowance. However, in these proceedings, by Order no. 342/2000 the Constitutional Court held that the question was unfounded, as the Firefighters' Corps "*...was not charged with defending democratic institutions and its deployment [was] not subject to public law, but rather the collective labour agreement...*". (doc. 14).

Further interpretative clarification concerning the **public security status of the Firefighters' Corps was provided by opinion no. 432/2006 of the Council of State – Consultative Division for Legislative Acts** at the hearing held on 13 February 2006, which **criticised** the original provision for the abolition of the status of public security officers and the **lack of clarity when referring to it amongst the duties vested in the Firefighters' Corps (doc. 15)**.

As a result, following this judgment, the Government adopted Legislative Decree no. 139/06, **Article 35(1)(d)** of which maintained the **provision concerning their classification as public security officers, originally made in 1941, namely that "For the purposes of this Law and when performing their duties, members of the Firefighters' Corps, including both permanent personnel and volunteers, shall have the status of public security officers, when travelling for service-related purposes, shall enjoy the same benefits as those granted to public law enforcement officials (...)**.

As regards the "*specific responsibilities typical of public security officers*" cited by the Council of State, these are those expressly provided for under Article 329 of the Criminal Code, to which firefighters are subject in the same manner as other police forces pursuant to Article 16 of Law no. 121/81, referred to in common parlance as "public security officers"<sup>3</sup>.

Again **Legislative Decree no. 139 of 8 March 2006**, on the "Rearrangement of provisions on the duties and tasks of the Firefighters' Corps, provides that: "*The Firefighters' Corps is a State structure governed by civilian rules established within the Interior Ministry, Department for the Fire Service, Public Assistance and Civil Defence, through which the Interior Ministry ensures, including in relation to civil defence, a public assistance, fire prevention and firefighting service throughout the country, as well as the performance of all other activities assigned to the National Corps by law or regulations, in accordance with the provisions of this Legislative Decree.*" (doc. 16)

By **Circular no. 47234/21.01A of 10 March 2006** on the consolidation of provisions concerning the duties and tasks of the Firefighters' Corps, the Fire Service Department itself asserted that "*Owing to its content and aims, public assistance – as is a matter of common experience – has direct ramifications on the local community in terms of the maintenance of public order.*" (doc. 17)

Indeed, **in response to a parliamentary question tabled by the Honourable Boato (00251)** on 10 September 2007 entitled "*Public order activity performed by the Firefighters' Corps*", the **Under-Secretary of State for the Interior, Ettore Rosato answered as follows: "... personnel from the Corps have the status of public**

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well as salary equalisation (Articles 3 and 36 of the Constitution), in addition to impartiality in the sense that the legislation enacted must not be arbitrary in nature (Article 97 of the Constitution).

<sup>3</sup> Article 329 of the Criminal Code, entitled "*Refusal to comply with an order, or delay in doing so, by a member of the military or a public security officer*" provides as follows: *A member of the military or a public security official who refuses to execute or delays unduly in executing a request issued to him by a competent authority in the manner prescribed by law shall be punished by a term of imprisonment of up to two years.* In judgment no. 38119 of 25 June 2009, the 5th Criminal Division of the Court of Cassation dispelled any doubts concerning the applicability of Article 329 of the Criminal Code to firefighters as well as the fact that firefighters fall within the scope of the term "public security officers".

*security officers, including in relation to the performance of official duties, as well as the status of judicial police officers or officials, which thus enable them to be deployed, where the prerequisites are met, by the law enforcement authorities and the judicial authorities within the ambit of their respective powers [...] personnel form the Corps may be involved in joint operations with police forces in accordance with the directions of the judicial authorities". (doc. 8 A)*

The “**public security**” apparatus is in fact the body available to the authorities in order to enforce the law and protect public order and security. It is comprised of those persons whom the State charges with the task of ensuring compliance with the law, including through coercion. This activity can be classified under the concept of public security, which falls within the purview of police forces.

The question concerning the failure also to extend to firefighters the operational allowances paid to military personnel or members of the police who work as public security officers was once again referred to the Constitutional Court. Specifically on the grounds that the reference framework and the overall body of rules applicable to the corps was becoming increasingly fragmented, complex and ambiguous, the Court ruled that the question was no longer unfounded, but “simply” inadmissible “due to the failure to provide a complete account” owing to “serious shortcomings within the referral order” and the failure to take account of the reference framework (Constitutional Court, judgment no. 27 of 2015). (doc. 18)

The delegation of authority under Law no. 124/2015 gave rise to a wide-scale reorganisation of the public administrations, providing for the incorporation of certain roles within the State Forestry Corps (a police force for all intents and purposes) into the Firefighters’ Corps in 2016.

Draft bill no. 2893 tabled in the 17th Legislature on 25 October 2017 and filed in the Senate (proposed by Senator Blundo) provided for “the recognition of the Firefighters’ Corps as having the status of a special police force, through its incorporation into the Security Segment and the alignment of remuneration and pensions with the levels received by civilian police force personnel”. (doc. 9)

## THE RELEVANT ITALIAN AND INTERNATIONAL LAW AND PRACTICE

Article 19 of Law no. 183/2010 on strenuous work, the reorganisation of public bodies and leaves of absence, amalgamated all corps under the functional category of Civil Defence, and provided that: “When establishing the regulatory frameworks, careers (...) and financial, pension and welfare protection, the specific nature of the role performed by the armed forces, the police forces and the Firefighters’ Corps as well as the legal status of the respective personnel shall be recognised, having regard to the specific nature of the tasks, obligations and personal constraints provided for under law and regulations with regard to the functions of protecting democratic institutions and defending public order and ensuring internal and external security, as well as the specific dictates of operational efficiency required as well as the related deployment to strenuous activities”. (doc. 2)

This legislation adopted in 2010, which established the specific emolument commonly known as the “special duties allowance”, finally recognised for the first time the equivalence in terms of status among the armed forces, police forces and the Firefighters’ Corps, all of which are exposed to the same risks and strain, thereby creating a legitimate expectation of salary (and hence also pension) harmonisation amongst all members of the various forces and corps in service from that time onwards. The 2010 law thus represented the first stage in this harmonisation and amounted to a self-binding principle and policy

**provision adopted by the State concerning the alignment of all salaries and pensions in order to achieve fair remuneration for all strenuous services.**

The 2010 law was also supposed to trigger a virtuous process in the implementation of the European Social Charter itself in that, in providing in effect for the harmonisation of all financial allowances associated with work that is equally risky and strenuous, it gave effect to the principles of “fair remuneration”, the “increased rate of remuneration” ...for overtime work, subject to exceptions in particular cases (Part I, Principle 4 of the ESC, Article 4(1) and (2) ESC), and compensation for the “risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours” or additional salary elements for workers engaged in such occupations (Article 2(4) ESC). In addition, in terms of pensions and social security (Article 12 ESC), these virtuous principles would obviously increase the levels of pensions and social security for workers exposed in this manner, recognising salaries and pensions accordingly throughout the full period of retirement, **promoting harmonisation in line with a trend shared with other European countries, specifically in order to protect firefighters who are disadvantaged compared to other security and civil defence corps, for instance in Belgium:** <https://www.rtb.be/article/salaires-primas-que-gagnent-les-policiers-et-que-reclament-ils-10884233> **and in France,** as is apparent from the local press: <https://www.lesechos.fr/idees-debats/editos-analyses/pourquoi-les-pompiers-sont-en-colere-1170776>, and also the websites: <https://www.lefigaro.fr/social/les-pompiers-ont-defile-a-paris-contre-le-mepris-du-gouvernement-20191015> and [https://www.csf.fr/jcms/pro1\\_271309/les-pompiers-en-colere](https://www.csf.fr/jcms/pro1_271309/les-pompiers-en-colere) (doc. 23)

**When enacting the Finance Law for 2020<sup>4</sup> (doc. 19), which provided for the harmonisation and equal status required since 2010, the State thus undertook to implement in full the promise made by it, establishing a “dedicated fund (...) for the purpose of adopting normative measures aimed at enhancing the status of the Firefighters’ Corps, (...) with a view to achieving greater harmonisation of their remuneration with that of police force personnel”.**

**However, as the law was a budgetary law set to apply from 1 January of the following year, the State made provision only with effect from 1 January 2020 – and without adopting any transitional rules (!!!) – for ensuring the equivalence of the salaries and pensions of firefighters with those of members of other police forces.**

These provisions affected salaries and thus also pension contributions, the end-of-service lump-sum payment and the monthly pension payable from 2020 onwards, as the law established “... *a specific fund with an allocation of 165 million euros for 2020, 120 million euros for 2021 and 165 million euros per year from 2022 onwards”.*

**In this way salaries, amounts withheld, the bases for calculating pension rights and obligations and the equivalent provision set aside will only apply to those appointed FROM 2020 and who can thus benefit from the allocation of funds. This excluded those for whom a legitimate expectation had also been created in 2010 but who, having been appointed before 1 January 2020, would never benefit from the allocation of funds due to the mere fact of that allocation having been made for the year 2020 and subsequent years.**

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<sup>4</sup> Law no. 160/2019 (Article 1(133) et seq) and later with Article 20 of Decree-Law no. 76/2020 of 16 July 2020 – converted into law by Law no. 120 of 11 September 2020.

On the international front, **Article 7** of the **International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted in 1966**, ratified by Italy by Law no. 881 of 25 October 1977, provides as follows: *“the States Parties to the present Covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions;”*.

In its General comment No. 23 (2016) concerning this Article, the Committee on Economic, Social and Cultural Rights established by the United Nations Economic and Social Council, asserted that **“11. Not only should workers receive equal remuneration when they perform the same or similar jobs, but their remuneration should also be equal even when their work is completely different but nonetheless of equal value when assessed by objective criteria. This requirement goes beyond only wages or pay to include other payments or benefits paid directly or indirectly to workers [...]. 12 The extent to which equality is being achieved requires an ongoing objective evaluation of whether the work is of equal value and whether the remuneration received is equal; 13. Objective job evaluation is important to avoid indirect discrimination when determining rates of remuneration and comparing the relative value of different jobs”**.

Under EU law, which applies to public sector work in Member States such as Italy, Articles 15, 21, 31 and 34 of the Charter of Fundamental Rights of the European Union are applicable. These provide for freedom to choose an occupation and the right to engage in work, non-discrimination, fair and just working conditions, and advanced social security and social assistance.

The 1989 Community Charter of the Fundamental Social Rights of Workers provides that “All employment shall be fairly remunerated” (Title I, Article 5) [and for] an improvement in living and working conditions (Article 7), adequate social protection (Article 10), general equality and non-discrimination, as well as the right of every worker to *“enjoy satisfactory health and safety conditions in his working environment. Appropriate measures must be taken in order to achieve further harmonization of conditions in this area”*. (Article 19)

According to Article 3 of the Treaty on European Union (TEU), the Union’s aims are, inter alia, to promote the well-being of its peoples... full employment and social progress, combating social exclusion and discrimination, and promoting social justice and protection, equality and non-discrimination.

According to Article 9 of the Treaty on the Functioning of the European Union (TFEU), in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

Article 151 of the Treaty on the Functioning of the European Union provides that the Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working

conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

Article 152 TFEU provides that the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The European Pillar of Social Rights, which sets out European policy on social welfare, pension provision and employment,<sup>5</sup> provides that “*Regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection*” (para. 5a); workers have the right to fair wages that provide for a decent standard of living (para. 6a), and, above all, that “*wages shall be set in a transparent and predictable way*”, which has evidently not occurred in this case, which has resulted in discrimination not provided for – and in fact at odds with the intent – under the 2010 legislation, the rationale of which was to avoid precisely such discrimination.

**THE LEGAL QUESTION: A LEGITIMATE ECONOMIC EXPECTATION EXISTING SINCE 2010 HAS NEVER BEEN  
ACTED UPON, LOOPHOLES AND DISCRIMINATION AFFECTING FIREFIGHTERS IN SERVICE APPOINTED  
BEFORE 2020**

We therefore turn to the current problem: out of all of those covered by the legislative commitment applicable since 2010 to ensure harmonisation, the members of the firefighters’ corps who gained that legitimate expectation of harmonisation under Law no. 183/2010, but who were appointed before it was implemented late (having been adopted only from 1 January 2020 onwards), have been experiencing the following detrimental situation:

- **their remuneration will be lower than that paid to firefighters appointed on or after 1 January 2020, and, above all, will not be harmonised and aligned with that of other members of Civil Defence forces who are exposed to the same risks, notwithstanding the reform adopted;**
- **the lower and less favourable salary basis (and thus the lower basis for calculating pension rights and obligations) accruing until 2019 will have a knock-on effect over the coming years without limitation in time, in other words until they stop drawing a pension (i.e. until their death ... sic!), thereby giving rise to a discriminatory and less favourable pension regime existing at the same time as and in parallel with the regime applicable to their colleagues working alongside them who were hired on or after 1 January 2020, who have had the same legitimate expectation established in 2010 of receiving a full salary and pension, and who perform the same duties.**

On the contrary, any of the members of the Firefighters’ Corps who have worked under the terms of Law no. 183/2010 and who thus have a legitimate expectation of equal treatment would deserve the same treatment today and in future. In this sense, the absence of a transitional regime for those who were appointed before 2020, having been members in service in 2010 and still in service, constitutes a loophole

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<sup>5</sup> [https://ec.europa.eu/info/sites/default/files/social-summit-european-pillar-social-rights-booklet\\_it.pdf](https://ec.europa.eu/info/sites/default/files/social-summit-european-pillar-social-rights-booklet_it.pdf)

that gives rise to discrimination in terms of fulfilment of the legitimate economic expectation of a harmonised remuneration.

All of the problems relating to the payment of contributions and pensions claimed by pensioners that have arisen as a result of this incomplete legislative reform have resulted from the original error of failing to fully acknowledge the professional status of the firefighters' segment (as occurs for the other categories falling under the Civil Defence segment) as a systemic prerequisite, given that the 2010 law had been intended to resolve this discrimination. Since this aspect has significant consequences and effects in terms of particular financial, material or intangible aspects of private life, its effects could even be classified within the core of the complainants' right to respect for private life (Article 8 ECHR; judgment no. 76639/2011 of 25 September 2018 in *Denisov v. Ukraine*). This aspect involves giving full cultural – and consequently economic – recognition to firefighters as a category of worker as well as their actions and social relevance, including in the public eye, which is no less than that of other civil defence corps charged with performing identical duties to ensure the security of the State community who have not been subject to this change in regime and loopholes in the applicable legislation.

As is apparent from the equivalence tables (doc. 20), which illustrate the correspondence between the various duties and levels, firefighters working at the same level and administrative position who enjoy full tenure under a public law employment relationship (not governed by private law) with the Interior Ministry are subject to different, less favourable and unjustified treatment compared to their colleagues, for example in the police, and also compared to those firefighters who according to law will be appointed after 1 January 2020, who will be treated in the same way as the police.

**It is instructive to consider the following examples.**

Article 3 of Legislative Decree no. 217/2015 provides for the sub-division of the role of firefighter into the following five positions: a) ordinary firefighter; b) expert firefighter; c) expert firefighter with disciplinary bonus; d) co-ordinator firefighter; and e) co-ordinator firefighter with disciplinary bonus.

Article 10 provides for the sub-division of the role of team leader and division head into the following four positions: a) team leader; b) expert team leader; c) division head; and d) expert division head. (doc. 21)

Remuneration is comprised of a **basic salary** as well as two additional elements, the first relating to the risks taken on, functional positions held, special appointments and responsibilities performed, and the second as remuneration for the results achieved over and above any targets that are set. Remuneration is paid monthly to firefighters in 13 monthly instalments.

The annexed tables (doc. 20) compare the remuneration paid to firefighters with that paid to police officers at an equivalent level (equivalence provided for by law: doc. 22), highlighting the difference in annual remuneration based on length of service.

We shall now consider the following case purely by way of example: a co-ordinator firefighter is by law equivalent to an *assistente capo* (senior corporal, police officer) – **equivalence table (doc. 22)** .

Assuming a length of service of between 17 and 21 years, the co-ordinator firefighter will receive a monthly salary of 1 677.33 euros whereas an *assistente capo* with the same length of service will receive 1 802.75 euros, resulting in a difference of 125.42 euros per month or, when multiplied by 13 months, an annual difference of 1 630.54 euros.

As regards the **risk allowance** and again for the same positions, the firefighter receives 518.54 euros whereas the police officer receives 662.88 euros, resulting in a monthly difference of 144.34 euros (or 1 876.42 euros over 13 months).

As regards the **special duties allowance**, the firefighter receives 72.87 euros whereas the police officer receives a “functional allowance” of 121.53 euros, resulting in a difference of 48.66 euros (or 632.58 euros over 13 months).

We thus arrive at the difference in remuneration to which firefighters have been subject until the present time:  $1\ 630.54 + 1\ 876.42 + 632.58 = 4\ 39.54$  euros.

This calculation is only annual and only concerns one specific level, and may be applied for example to the last five years. By contrast, a general calculation is provided in the table (doc. 9), which describes all of the differences in remuneration (and hence also contributions) for each individual position with reference to the years 2018 and 2019. Just think how much the total cost will be for all of the years during which each of the over 4 500 complainants has not been granted equivalence, each with different lengths of service and each belonging to any of the 16 positions present within the corps!

**On the basis of this calculation, which is only annual, the firefighters still in service who were hired before 2020 have been discriminated against vis-a-vis the regime established from 2020**, both in terms of the difference between **their own circumstances and the more favourable circumstances of persons working under comparable conditions**, as well as of **the absence of any “objective and reasonable justification” for such a distinction**. Specifically, there is not a reasonable relationship of proportionality between the sacrifice imposed on them, consisting in their less favourable treatment (compared to members of the other State Civil Defence corps, as well as colleagues appointed on or after 1 January 2020), and the purpose for which the difference of treatment is provided for, tolerated or permitted.

**Since Law no. 183/2010 was enacted**, there has moreover been no purpose or justification – and moreover, no purpose of justification with a basis in law – in the name of which differences in treatment between the corps could be tolerated. In fact, the corps examined for the purposes of salary recognition, and hence the consideration provided for the work performed by them, *also share in common the fact that their efforts, which may involve the use of coercion, promote public security of both individuals and property, the monitoring of compliance with standards and laws, investigation and inspection, civil defence during peacetime or wartime, as well as exposure to dangerous and strenuous risks”*.

From this perspective, the remuneration payable to employees must in all instances comply with Article 36 of the Italian Constitution, and thus provide for a salary that enables the worker to lead a “dignified” existence. According to settled case law, any assessment of compliance with that constitutional requirement may not be carried out with reference to individual items, individual rules or on a day-by-day basis, but must consider *the general body of items comprising the worker’s overall remuneration over a significantly long period of time* (Constitutional Court, judgments no. 154 of 2014, no. 310 and no. 304 of 2013, no. 366 and no. 287 of 2006, no. 470 of 2002 and no. 164 of 1994) and, for personnel from the Firefighters’ Corps, may not disregard the overall global range of public protection duties vested in it. This is fundamentally important for assessing the requirement of dignity, which must be guaranteed for the members of the Firefighters’ Corps, above all if it is considered that *citizens who are vested with public duties*, and hence all public sector

employees (including those whose employment relations are governed by private law), must be put in a position “to perform their duties with discipline and **honour**” (Article 54 of the Constitution).

Moreover, no purpose legitimately established under express provisions or with any other basis in law (in any case inspired by the principles laid down by Articles 36 and 54 of the Constitution) is apparent – and not even the requirement to reduce expenditure or of public utility – that could justify tolerance of any difference in treatment between the two categories of firefighter working side by side in the same duties. These categories are comprised of those appointed before 2020 and those appointed during or after 2020 (as provided for under the discriminatory legislation adopted in 2019), where – moreover – the latter category of those appointed during or after 2020 is already, at the present time, entitled to better starting salary and contributions, despite having a shorter length of service, and thus a lower standing in terms of contractual salary progression.

### **THE VIOLATION OF THE EUROPEAN SOCIAL CHARTER WHICH IT IS REQUESTED BE FORMALLY DETERMINED**

Within this incomplete framework, it is clear that the international principles laid down in the ICESCR and in the ESC have not been properly implemented, and that the following provisions of the ESC have been violated.

All workers have the right to a **fair remuneration** sufficient for a decent standard of living for themselves and their families ... and must be recognised the “**right (...) to an increased rate of remuneration**” for overtime work, subject to exceptions in particular cases. (Part I, Principle 4 of the ESC, Article 4(1) and (2) ESC).

However, as was also stressed in *Conclusions XV-2 – Slovak Republic – Article 4-1 XV-2/def/SVK/4/1/EN of 01/07/2001*, the failure to ensure equal wages for this sub-category of firefighter amounts to a violation of the requirement of fair remuneration due to firefighters on an equal footing with other State Civil Defence corps that are subject to the same types of risk and strain.

This is also clarified, in terms of stress due to the working hours and conditions, by the decision in: *Confédération générale du travail (CGT) v. France*, complaint No. 154/2017 (cc-154-2017-dmerits-en | English | 18/10/2018) which underlined in relation to working hours that “by Article 4§2 of the Charter, the States Parties undertake ‘to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases.’ The principle established by this provision is based on the assumption that overtime work requires increased effort on the part of the worker (Conclusions I, Statement of Interpretation on Article 4§2). The Committee noted that ‘overtime work’ generally means ‘work ...performed outside or in addition to normal working hours.’ (Conclusions I, Statement of Interpretation on Article 4§2). The Committee emphasises that Article 4§2 of the Charter is inextricably linked to Article 2§1 of the Charter which guarantees the right to reasonable daily and weekly working hours. Workers working overtime must be paid at a higher rate than the normal wage rate (Conclusions XIV-2, Statement of Interpretation on Article 4§2).



In particular, the Parties to the ESC undertake **to protect effectively the right of the worker to earn his living** in an occupation freely entered upon (Article 1(2)) and **“to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours”** or additional salary elements for workers engaged in such occupations (Art. 2 par. 4 CSE) Conclusions XII-1 (1991), United Kingdom 273; Conclusions XX-3 (2014), Germany.

It is in fact widely known that financial compensation or pension benefits can only be an initial part of the compensation for the increased risk and strain, and that on their own they are not sufficient to fulfil the purpose laid down by Article 2(4) ESC – Conclusions XIII-3 (1995) Greece; 284 Conclusions 2003, Bulgaria; Conclusions 2014, Italy.

In terms of pensions and social security (Article 12 CSE), with a view to ensuring the effective exercise of the right to social security, the Parties to the ESC undertake **to establish or maintain a system of social security... at a satisfactory level”** (... to endeavour **to raise progressively the system of social security to a higher level”**), **and to take steps, through inter alia the conclusion of agreements and hence collective bargaining**, to ensure equal treatment of the nationals of the various parties and hence harmonisation at European level. In fact, in the area of social security, Article 12(3) of the Charter requires social security systems to be adapted to the situation and specific needs of the workers concerned, in order to ensure that they receive the social benefits provided for under Article 12(1). However, there has been no such development in this case, as the promise of adaptation, implementation and the establishment of equivalence among pension and social security systems did not result in progress, but on the contrary gave rise to detrimental outcomes.

According to the principle of non-discrimination, the enjoyment of the rights set forth in the Charter shall be secured without discrimination among workers, irrespective of their personal circumstances (Article E Part V ECS).

The CO.NA.PO. therefore has the right, as a collective body representative of both working and retired firefighter personnel, to launch actions in order to protect the interests of this category.

It is clearly apparent from the facts set out that:

- on the one hand, the concept of harmonisation and salary and pension equivalence has been introduced, which is based on analogy and equivalence between corps and duties;
- consequently, all firefighters are deemed to be equivalent with other corps in terms of risks and strenuous work, and thus benefit from salary and pension allowances in the same manner as other corps and forces;
- on the other hand, the action taken by the legislature and by the public administration has been incomplete and severely discriminatory, as these principles of equality and salary and pension adjustment have been implemented after a delay of ten years, and when provision was made for the delayed entry into force of this equivalence, an entirely arbitrary date was chosen for it to start applying (1 January 2020), and no provision was made for any transitional adjustment;
- the entire class of workers whose circumstances are identical and who, despite having aspired to the

promise of equal treatment since 2010, have thus been disregarded due to the sole fact of having been appointed before the late implementation [of the legislation enacted in 2010], and will receive a permanently lower salary today, and a lower pension in future.

It is thus entirely evident that the failure to provide for prior service performed by firefighters appointed before 2020 gives rise to different treatment that is not supported by objective reasons and is not reasonable, and hence to discrimination in implementing the principles set forth in the ESC, as a result violating:

- the principle of fair remuneration and the increased rate of remuneration (Part I, Principle 4 of the ESC, Article 4(1) and (2) ESC), as it must be possible to pay, as is fair, higher remuneration and hence a higher pension for riskier and more strenuous work; this also gives rise to financial loss as a consequence of the delay, as the difference in remuneration (and later in pension) highlighted above results from the delay by the legislature in allocating funds (only from 2020), in order to give full effect to the equivalence promised in 2010.
- guarantees in relation to dangerous, risky or unhealthy occupations in the form either of a reduction of working hours or additional salary elements (Art. 2 par. 4 CSE), in that, despite the State having recognised the risky and strenuous nature of the work performed by firefighters, in the same way as that performed by other State corps, firefighters appointed before 1 January 2020 have not been provided with adequate guarantees and protection;
- the commitment to raise the system of social security to a higher level, including through negotiation (Article 12 ESC), in that measures objected to here for firefighters appointed before 2020 do not comply with the stated change to pensions and salaries that the legal system is attempting to achieve, moreover to the detriment of the trade union claims and negotiating proposals made by CO.NA.PO;
- the principle of non-discrimination (Article E CSE), in that the measures objected to here affecting firefighters who were appointed before 2020 not only do not remedy the discrimination in terms of treatment with members of other Civil Defence corps, but also give rise to new discrimination within the firefighters' corps itself, namely between firefighters appointed before 2020 and those appointed on or after 1 January 2020.

The special feature of this complaint consists in the fact that the violations of the European Social Charter referred to above **were committed in the form of:**

- ***non-implementation* (failure to comply with positive obligations to act and to legislate), and hence the failure to comply with the positive commitments that the legislature had agreed to abide by** for the benefit of workers who at the same time had legitimate expectations in relation to social welfare, salaries and pensions;
- ***discrimination*, hence involving a systematic violation of Article E of the European Social Charter** and the commitment made by the Italian State not to discriminate between workers.

### CONCLUSIONS

**In the light of the circumstances set out above and the seriously incomplete and discriminatory Italian legislative framework,**

## CO.NA.PO

in order to guarantee the positive implementation of the ESC in Italy and protect the category of firefighters appointed before 1 January 2020 and still in service, for whom the promised establishment of equivalence has not occurred (and who are subject at the same time to a less favourable salary and pension regime compared to their colleagues – whether firefighters or not – working in identical situations or with identical risks)

### THEREFORE ASKS

That the European Committee of Social Rights, acting within the scope of its competence,

- accept and rule **admissible** this collective complaint filed by CO.NA.PO.,
- examine the **loopholes within Italian law illustrated, establishing the failures to take action, the violations and the discrimination cited in relation to the European Social Charter, and**
- accordingly, direct the Italian State to **remove** them by adopting and **introducing positive measures consisting in the enactment of social, pension and employment legislation for the benefit of the entire category of disregarded workers represented in this Complaint, including specifically transitional measures to ensure equality in terms of salary, pensions and remuneration for workers for the loss suffered due to differences [in remuneration] not received.**

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The financial measures may be based on the **amounts that firefighters in service must receive or should have received in the light of the law and the tables CURRENTLY in force** – according to the 16 seniority/salary classifications to which they belong. They must concern the **differences that have arisen through the harmonisation introduced and hence the resulting arrears under the following salary items, which have incorrectly not been provided for:**

- a) basic differential salary element (remunerative) that takes account of the 16 different classifications and career advancement based on length of service;
- b) differential contribution-related element for future pension purposes and accumulation of entitlement (basis for calculating the end-of-service lump-sum payment).

Compensation must also be provided for the **non-pecuniary damage suffered by each of the firefighters as a consequence of the delay** in making provision for the economic equivalence invoked in these proceedings: having been declared as an objective since the enactment of Law no. 183 of 2010, which acknowledged that equal remuneration should be paid to all corps performing equally strenuous work, following the claims raised by the respective trade union bodies since the start of the 1990s, the principle of equivalence has only been fully embraced and implemented (moreover imperfectly, as noted above!) very recently.

Since 2010 at least, the individual members of the Firefighters' Corps, sectoral representative bodies and civil society have in fact had legal confirmation in the form of a provision of positive law (Article 19 of Law no. 183 of 2010) that the Firefighters' Corps has equivalent status to the other State Civil Defence corps – and that all concerned must be allocated the special duties [allowance] – for the purposes of the financial

remuneration intended to compensate the strenuous nature of the work and the requirements of operational efficiency, which are common to all of these corps.

Naples, 27 July 2022

Respectfully,

Deputy Secretary General Marco Piergallini

*in his capacity as legal representative*

**CO.NA.PO**

**Sindacato Autonomo Vigili del Fuoco [Independent Firefighters' Trade Union]**

NATIONAL COMMITTEE OF FIREFIGHTERS

\_\_\_\_\_  
(Counsel Michele Scolamiero)

\_\_\_\_\_  
(Counsel Federico Di Salvo)

*The following documentation is annexed to the Complaint:*

**DOCUMENTS ANNEXED**

doc. A Resolution of appointment and identity document for Marco Piergallini.

1. CONAPO Statute

2. Law no. 183 of 2010
3. Negotiations conducted by CONAPO and summary tables concerning the allocation of funds for allowances
4. CONAPO communiques
5. Decree-Law no. 76 of 16 July 2020
6. CONAPO summary table concerning the allocation of funds
7. Press articles
8. Parliamentary questions and speeches
9. Draft bills
10. Law no. 1570 of 1941
11. Law no. 469 of 1961
12. Council of State Opinion no. 1571 of 1978.
13. Orders issued by the Interior Ministry and the Firefighters' Command Unit
14. Order no. 342/2000
15. Council of State Opinion no. 432 of 2006.
16. Decree no. 139 of 2006
17. Circular no. 1897S\_1
18. Constitutional Court judgment no. 27 of 2015
19. Law no. 160/2019
20. CONAPO tables
21. Legislative Decree 217/2005
22. Legislative Decree of 24 February 2012
23. Situation in Belgium and France