

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



European
Social
Charter

Charte
sociale
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28 November 2025

Case Document No. 1

Sindacato Italiano Militari Carabinieri (SIM – Carabinieri) v. Italy
Complaint No. 255/2025

COMPLAINT

Registered at the Secretariat on 28 November 2025

FAO Executive Secretary of the European Committee
of Social Rights
Department of the European Social Charter
Directorate General of Human Rights and Rule of Law
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TO THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

Strasbourg

COLLECTIVE COMPLAINT

pursuant to the Additional Protocol to the European Social Charter

of 9 November 1995

Filed by **Sindacato Italiano Militari Carabinieri** (Italian Trade Union of Military Carabinieri) (also known to as the SIM – Carabinieri), with registered office at Via Magna Grecia 13, Rome, represented by its current legal representative, Serpi Antonio, born on 9 April 1963 in Carbonia (Province of Cagliari) and resident in Palmanova (Province of Udine), represented by Counsel Michele Bonetti (Italian tax ID BNTMHL76T24H501F), which declares that it wishes to receive communications from the Secretariat at the email address info@avvocatomichelebonetti.it and by certified email at michelebonetti@ordineavvocatiroma.org with chosen service address at Via S. Tommaso d'Aquino 47, Rome (Studio Legale Avvocati Michele Bonetti);

AGAINST

The Italian State

OBJECT OF THE COMPLAINT

Collective complaint concerning the violation of Articles 4, 26 and E of the European Social Charter (Revised) by the Italian Republic with regard to the reduction of the daily allowance paid by the European Union to Carabinieri personnel deployed on the EULEX mission in Kosovo

ARTICLES OF THE EUROPEAN SOCIAL CHARTER VIOLATED

- Article E (non-discrimination), in conjunction with Articles 1 § 2 and 4 § 1;
- Article 1 § 2 (right to work), due to the unjustified impediment on access to and the maintenance of employment;
- Article 4 § 1 (right to a fair remuneration), due to the direct consequences of the discrimination for employment opportunities, and thus for remuneration.

STATEMENT OF FACTS

This complaint is filed with the aim of securing a finding concerning and a ruling directing the cessation by the Italian Republic of the violation of fundamental social rights guaranteed under the European Social Charter (Revised). The violation consists in the administrative practice according to which the Italian State reduces or appropriates the daily allowance paid by the European Union to civilian, police and military personnel deployed on international missions such as the EULEX mission in Kosovo.

In the same way as other military or police personnel, members of the Carabinieri deployed on the mission receive financial remuneration comprised of various items. These include the following, which are relevant for the purposes of this complaint:

1. **national mission allowance:** a payment made by the State with the aim of compensating the disruption, risks and particular hardships associated with deployment in foreign operating theatres. It is intended to compensate the greater sacrifice required of the worker;
2. **EU daily allowance:** an amount paid by a supranational body (European Union) to all international personnel deployed on the mission. It is intended as a lump-sum reimbursement for out-of-pocket expenses incurred locally by personnel (food, accommodation, short local journeys, etc.) in order to guarantee an adequate and uniform standard of living for all persons involved, irrespective of nationality.

Disregarding the different nature and purpose of the two allowances, the Italian administration has unlawfully decided to treat the EU daily allowance as equivalent to the national mission allowance. By treating them as equivalent, this has resulted in the

systematic reduction of the daily allowance or, in other words, its appropriation within overall remuneration, thereby cancelling its effect and reducing the final amount received by personnel.

This practice has given rise to a clear and unjustified difference in treatment:

- **at national level:** between personnel deployed on the EULEX mission and Italian military personnel deployed on other international missions (e.g. NATO or UN), which entail the same disruption and have the same status, for which that appropriative mechanism is not applied;
- **at European level:** between Italian personnel on the EULEX mission and personnel from other European countries who, despite working in the same environment and performing the same tasks, receive the EU daily allowance in full in addition to any mission allowances provided for under their respective national systems.

Hundreds of Carabinieri who have served with dedication and professionalism during the EULEX mission in Kosovo have therefore suffered significant economic loss as well as the violation of their dignity at work, having been treated less favourably than their Italian and European colleagues.

POINTS OF LAW

THE VIOLATIONS OF THE EUROPEAN SOCIAL CHARTER (REVISED)

The conduct of the Italian Republic, as described in the statement of facts, amounts to a violation of multiple provisions of the European Social Charter (Revised), which has been ratified by Italy.

A. VIOLATION OF ARTICLE 4, PARAGRAPH 1 (RIGHT TO A FAIR REMUNERATION), IN CONJUNCTION WITH ARTICLE E (NON-DISCRIMINATION)

Article 4 of the Charter obliges Parties to ensure the effective exercise of the right to a fair remuneration. In particular, paragraph 1 enshrines the obligation “*to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living*”.

In addition, Article E in the Appendix to the Charter lays down a general and cross-cutting principle of non-discrimination, asserting that “*A differential treatment based on an objective and reasonable justification shall not be deemed discriminatory*”.

In this case, the practice of the Italian Republic violates the right to a fair remuneration in terms of its discriminatory effect.

Specifically, the reduction of the daily allowance creates a difference in treatment that lacks any objective, reasonable justification. The nature and purpose of the two allowances are inherently different:

- the national allowance compensates **disruption**;
- the EU daily allowance reimburses **out-of-pocket expenses**.

Deeming the two items to be equivalent with the aim of reducing overall remuneration entails treating as identical situations that are different, with a clearly discriminatory effect.

Italian personnel deployed on the EULEX mission end up receiving net pay lower than that of colleagues from other countries performing the same tasks in the same environment, and which is also lower than that of other Italian military personnel deployed on different missions. This difference in treatment not only affects the “*decent standard of living*” which remuneration must guarantee but also violates the principle of fairness, which requires “*equal pay for equal missions*”.

Therefore, the reduction is not a measure necessary in a democratic society and does not pursue any of the legitimate purposes provided for under Article G of the Charter, and amounts to a violation of the right to a fair remuneration (Article 4), considered in the light of the prohibition of discrimination (Article E).

B. VIOLATION OF ARTICLE 4, PARAGRAPH 5 (PROHIBITION OF DEDUCTIONS FROM WAGES)

Article 4, paragraph 5, obliges the Parties “*to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards*”.

The reduction of the daily allowances constitutes for all intents and purposes a “deduction” from one element of the overall remuneration payable to the worker. There is no basis for this deduction in any clear and foreseeable statutory provision and it is not legitimised under any collective employment agreement. It results from an administrative interpretation that treats as equivalent two emoluments of a different nature. This practice is at odds with the rationale underpinning Article 4, § 5, which aims to protect workers’ remuneration against arbitrary deductions that are not duly justified under law or contract.

C. VIOLATION OF ARTICLE 26 (RIGHT TO DIGNITY AT WORK).

Article 26 of the Charter obliges the Parties to ensure the effective exercise of the right of all workers to protection of their dignity at work. In particular, paragraph 2 obliges them to promote prevention and to take measures against “*recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work...*”.

Although the legislation is primarily intended to combat instances of bullying, its scope also covers the protection of the dignity of workers in a broad sense. The payment of clearly discriminatory remuneration without any justification that places one class of workers in a less favourable position compared to their peers amounts to an act that violates their dignity at work. It conveys a message that diminishes their contribution and professionalism, giving rise to a sense of frustration and injustice that undermines the psychological wellbeing and respect that every worker deserves. Since the contested practice is systematic and repeated, it amounts to behaviour that offends the dignity of Carabinieri deployed on the EULEX mission.

D. THE ADMISSIBILITY OF THE COMPLAINT

This complaint is fully admissible, as it fulfils the prerequisites laid down by the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints of 9 November 1995.

Standing to file a complaint. This complaint is filed pursuant to **Article 1, letter c)** of the Protocol, which grants the right to submit complaints to “*representative national*

organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint”.

As the first and only trade union recognised in the armed forces in Italy, the SIM Carabinieri represents the category of military personnel who are employees within the jurisdiction of the Italian Republic. By virtue of its establishment, which overcame a long-standing prohibition on unionisation, it is vested with the authority and representativity necessary to raise the collective issue in question.

Article 2 of the Statute of the SIM (which is filed) states that *“Acting in accordance with the principles laid down by Law No. 46 of 28 April 2022, as amended and supplemented, the SIM Carabinieri shall engage in trade union activity with the aim of protecting the collective interests of members of the Carabinieri having due regard for the performance of operational tasks or service management and as provided for under Article 3(5) and Article 5(1) of Law 46/2022, and shall pursue, in particular, the following collective purposes: a. to represent, promote, advance and safeguard the collective interests of members of the Carabinieri within any forum, whether trade union, social, historical, judicial or administrative; b. moral, economic, normative, legal, professional, tax, social security and assistance-related purposes of members of the Carabinieri of every rank and class pursuant to Articles 2(3) and 5(1) of Law No. 46 of 2022; c. to promote solidarity, professional ethics, prestige, professionalism, equal opportunities and psychological and physical wellbeing of and for members of the Carabinieri; d. to safeguard the health and safety of military personnel in workplaces, giving effect to the prerogatives of a trade union under Article 3 of Legislative Decree No. 81 of 9 April 2008; e. to assist members of the Carabinieri before all judicial, administrative and health bodies in the aftermath of any accident or infirmity suffered or respectively contracted whilst in service and as a result of service; f. to facilitate the integration into work of those no longer serving in the military; g. to promote cultural, welfare and recreational activities and to guarantee access to social security bodies for all personnel represented, in addition to their family members.”*

There is therefore no doubt that the SIM Carabinieri is one of the “*representative national organisations of employers [...] within the jurisdiction of the Contracting Party against which they have lodged a complaint*” pursuant to Article 1, paragraph c, of the 1995 Protocol and thus has the right to submit a collective complaint concerning the violation of the European Social Charter.

As regards the issue of standing as a respondent, the complaint is filed against the Italian Republic, which ratified the 1995 Additional Protocol without reservation on 3 November 1997 by Law No. 298 of 28 August 1997, and has therefore been bound by it since 1 July 1998 (as indicated in decision on complaint No. 91/2013, para. 75). Lastly, the complaint is also admissible *ratione materiae* pursuant to Article 4 of the 1995 Additional Protocol, which provides that the complaint shall “*relate to a provision of the Charter accepted by the Contracting Party concerned*”. It is sufficient to note in this regard that the complaint is based on Article 4, Article 26, and Article 3 of the European Social Charter (Revised), provisions which the Italian Republic has accepted and ratified, and the complaint is therefore also admissible in this regard. As a Party to the Charter, the Italian Republic has consented to the application of the above-mentioned provisions within its own legal order. In addition, **Article 4** of the Protocol states that the complaint must indicate in what respect the provisions of the Charter have not been satisfactorily applied. By reducing the daily allowance, the Italian State has committed a *de facto* violation that compromises the efficacy of the salary and anti-discrimination protections provided for under the Charter.

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For the reasons set out above, the complainant organisation asks the European Committee of Social Rights:

1. **to declare** this complaint **admissible**,
2. **to rule** that, by engaging in the practice of reducing or appropriating the EU daily allowance paid to members of the Carabinieri deployed on the EULEX mission in Kosovo, the Italian Republic is violating:

- **Article 4, paragraph 1**, in conjunction with **Article E** of the European Social Charter (Revised), for having put in place remuneration that is unfair and discriminatory,
 - **Article 4, paragraph 5**, of the Charter, for having applied a deduction from remuneration that is not justified according to law,
 - **Article 26** of the Charter, for having violated the dignity at work of the workers concerned.
3. **To issue a recommendation** pursuant to Article 9 of the Additional Protocol, inviting the Italian Republic to put an end to that practice and to adopt all measures necessary in order to ensure that the national mission allowance and the EU daily allowance can both be received in their full amount, reinstating remuneration that is fair and non-discriminatory and that respects the dignity of all personnel.

Rome, 28 November 2025

Respectfully,

Counsel Michele Bonetti