



You are here: [Social Rights](#) > [News](#)

The decision on the merits in Associazione Professionale e Sindacale (ANIEF) v. Italy, Complaint No. 159/2018, is now public

STRASBOURG | 23/08/2022



The [decision of the European Committee of Social Rights \(ECSR\) on the merits](#) in *Associazione Professionale e Sindacale* (ANIEF) v. Italy, Complaint No. 159/2018, became public on 23 August 2022.

In its complaint, ANIEF alleged that Italy has violated Articles 1§1, 1§2, 4§1, 4§4, 5, 6§4 and 24 as well as Article E in conjunction with each of the provisions concerned of the Charter as regards the situation of some 50,000 teachers, who obtained primary school teaching certificates (“diploma magistrale”) during or before 2001-2002, i.e., before stricter qualifications for teaching were required by law. ANIEF pointed out that even if these teachers have been regularly working as supply teachers in public preschool and primary school under fixed-term contracts, as of 1 September 2016 they cannot have their fixed-term contracts extended any longer beyond 36 months (as provided by Law No. 107/2015 at the time the collective complaint was lodged). ANIEF also pointed out that these teachers are not entitled to be registered in the eligibility ranking lists (“ERE lists”) to be drawn upon exhaustion from which teachers can be recruited under indefinite duration contracts, because their qualification was not recognised as sufficient by Judgment No. 11/2017 of the Council of State of 20 December 2017.

The European Committee of Social Rights adopted its decision on the merits on 22 March 2022.

In its decision on the merits, the Committee concluded:

- unanimously that there is no violation of Article 1§2 of the Charter.



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