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COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES  
COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EORPACH  
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EUROPEISKA GEMENSKAPERNAS DOMSTOL

Press and Information

**PRESS RELEASE No 64/06**

18 July 2006

Judgment of the Court of Justice in Case C-119/04

*Commission of the European Communities v Italy*

**FOR THE SECOND TIME THE COURT FINDS AGAINST ITALY FOR FAILING TO  
RECOGNISE THE ACQUIRED RIGHTS OF FORMER  
FOREIGN-LANGUAGE ASSISTANTS**

*In view of the fact that the breach of obligations no longer persisted on the date of examination of the facts, the Court did not impose a penalty payment on Italy*

The employment conditions of foreign language assistants have been the subject of many cases before the Court of Justice. In 1995 Italy adopted a law to reform foreign language teaching. The post of “foreign-language assistant” was abolished and replaced by that of ‘linguistic associate’. Following that law’s entry into force, the Commission received several complaints from former foreign-language assistants that, in the conversion to linguistic associate, their length of service as assistants had not been taken into account for the purposes of pay and social security. The Commission therefore instigated legal proceedings against Italy.

On 26 June 2001, in Case C-212/99 *Commission v Italy*, the Court found that Italy had failed to fulfil its obligations under the provisions of the EC Treaty guaranteeing freedom of movement for workers, by not guaranteeing recognition of the acquired rights of former foreign language assistants in six Italian universities (La Basilicata, Milan, Palermo, Pisa, La Sapienza in Rome and the Eastern University Institute in Naples), even though such recognition was guaranteed to Italian nationals.

Believing that Italy had still not complied with that judgment, on 4 March 2004, the Commission commenced the present action against Italy requesting that the Court find Italy in breach of the judgment of June 2001 and impose a penalty payment of EUR 309 750 per day from the date of judgment in the present case until Italy had complied.

The Court declares that, by not ensuring, at the date of expiry of the period prescribed in the reasoned opinion, recognition of the rights acquired by former assistants who have become associates and linguistic experts, even though such recognition is guaranteed to all national workers, the Italian Republic has failed to take all the measures necessary to comply with the judgment of 26 June 2001 in Case C-212/99 Commission v Italy and has therefore failed to fulfil its obligations under the EC Treaty.

However, in view of the fact that the breach of obligations no longer persisted on the date of the Court's examination of the facts, the Court **rejects the Commission's application for the imposition of a penalty payment.**

*Unofficial document for media use, not binding on the Court of Justice.*

*Languages available: CS, EN, FR, DE, HU, PL, IT, NL, SK, SL*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-119/04>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

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