



Press Office of the Constitutional Court

Press release of 26 November 2020

JOBS ACT AND COLLECTIVE DISMISSALS: THE CONSTITUTIONAL COURT REITERATES LOYAL COOPERATION WITH THE COURT OF JUSTICE

There is an indissoluble bond between on one hand, the role of the Court of Justice of the European Union (CJEU), called upon to ensure that “in the interpretation and application of the Treaties the law is observed”, and on the other, the role of all national courts, that are entrusted with guaranteeing “effective legal protection in the fields covered by Union law” (Article 19 of the Treaty on European Union). In an integrated system of protection, loyal and constructive cooperation between the different jurisdictions involved, each called upon – within their respective spheres of competence – plays a crucial role in safeguarding fundamental rights, with a view to providing systemic and unfragmented protection.

This is established in the reasons for [Judgment No. 254](#), filed today (Judge Rapporteur: Silvana Sciarra), in which the Constitutional Court declared the inadmissibility – as anticipated in the [press release of 4 November 2020](#) – of the questions raised by the Court of Appeal of Naples as to the constitutionality of the provisions in the so-called *Jobs Act* regarding collective dismissals ordered in violation of the selection criteria [to establish which workers to dismiss]. The Constitutional Court deemed, on one hand, that the reasons given by the referring judge as to the relevance of the questions raised were insufficient and, on the other, that the type of corrective intervention asked of the Constitutional Court was unclear.

In this case, the Court of Appeal of Naples had made a reference for a preliminary ruling to the CJEU and, at the same time, initiated constitutional review proceedings [before the Constitutional Court].

On 4 June 2020, the CJEU declared the reference to be manifestly inadmissible, failing to identify any link between the national law in question (criteria for selecting workers to dismiss, in the context of collective dismissals) and an act of Union law,

as is instead required under Article 51(1) of the EU Charter of Fundamental Rights. Therefore, it did not address the alleged violation of said Charter.

The Constitutional Court simply reiterated that its position was in consonance with that expressed by the CJEU concerning the scope of application of Union law.

The decision that the questions as to constitutionality were inadmissible precluded the examination of the merits of the case.

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