

Employment: EU requests Italy to end discriminatory conditions for public sector posts

The European Commission has sent Italy a formal request to end discrimination against applicants to public sector posts in the province of Bolzano, as such discrimination is in breach of Italy's obligations under EU law on free movement of workers and on discrimination on grounds of nationality. The discriminatory conditions relate to the requirement of specific locally-issued certificates as proof of language knowledge to access the posts, as well as priority for applicants residing locally. The request takes the form of a 'reasoned opinion' under EU infringement procedures. In the absence of a satisfactory response within two months, the Commission may decide to refer Italy to the EU's Court of Justice.

Italian legislation applicable in the province of Bolzano provides that only a specific certificate issued in that province is accepted as proof of language knowledge to access posts in their public sector. In addition, priority is given to candidates who have been resident in the province for at least two years.

Free movement of workers is an EU fundamental right which ensures that people are not discriminated against on the basis of nationality.

The EU's Court of Justice previously found (in its ruling of 6.06.2000 in case C-281/98 *Angonese*) that requiring a particular certificate issued only in the province of Bolzano as the only means of proof of language knowledge amounts to discrimination on grounds of nationality. This is because it puts nationals of other Member States at a disadvantage in comparison with residents of the province, who are mostly Italian nationals.

Priority given on the basis of residence also amounts to indirect discrimination on grounds of nationality, for the same reasons, in the Commission's view.

Background

The judgement of the Court of Justice of the European Union of 6 June 2000 in case C-281/98 *Angonese* concerned the requirement made by a private employer to have a specific certificate on bilingualism issued only in the province of Bolzano to take part in the recruitment competitions organised by that employer.

The current case concerns the same kind of certificate, but in the context public sector jobs in Bolzano province.

Further information

Free movement – EU nationals:

<http://ec.europa.eu/social/main.jsp?catId=457&langId=en>

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