

SUMMARY

# **ECJ 12 September 2024, case C-548/22 (Presidenza del Consiglio dei ministri and Others (Rétribution des magistrats honoraires), fixed-term work**

***M.M. – v – Presidenza dei Consiglio dei Ministri, Ministero della Giustizia, Ministero dell’Economia e delle Finanze, Italian case***

## **Summary**

The ECJ declares the request of a preliminary ruling from the Italian Magistrate regarding the Framework agreement on fixed-term work inadmissible.

## **Question**

Must Article 288 TFEU, Articles 17, 31, 34 and 47 of the Charter, Article 7 of Directive 2003/88, Clause 4 of the framework agreement on part-time work and Clause 4 of the framework agreement on fixed-term work be interpreted as precluding national legislation which provides that honorary members of the judiciary, in order to be able to continue to perform their duties, are required to participate in an assessment procedure which, first, if the result is positive, enables them to convert their fixed-term employment relationship into an employment relationship of indefinite duration, until the age of 70, and, second, if the result is negative, enables those members of the judiciary to receive a payment, where both the success and the failure to pass the assessment with the acceptance of the payment entails the waiver, by operation of law, of any claim which they might make, on the basis of those provisions, in respect of the previously performed duties as an honorary member of the judiciary?

## **Ruling**

The Court rules that the request for a preliminary ruling from the Giudice di pace di Fondi

(Magistrate, Fondi, Italy), made by decision of 18 August 2022, is inadmissible.

---

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2024-09-12

**Case number:** C-548/22