

SUMMARY

ECJ 29 January 2026, Case C-654/24 (Bariello), fixed-term work

M.M. - v- Ministero dell'Istruzione e del Merito, Italian case

Summary

National case-law under which a teacher employed on a fixed-term basis is required to claim and prove the existence of a specific harm in order to assert his right to compensation is not precluded by the Framework Agreement on fixed-term work and Article 47 of the Charter, as the same requirement applies to teachers employed on a permanent basis.

Question

Must clause 4(1) of the Framework Agreement, read in the light of the principle of effective judicial protection enshrined in Article 47 of the Charter, be interpreted as precluding national case-law under which, regarding an action brought by a teacher employed on a fixed-term basis in order to remedy the wrongful deprivation – on account of the application of national legislation that is contrary to the first of those provisions – of the benefit of a financial advantage in the amount of EUR 500 per year, granted by means of an electronic card enabling the purchase of goods and services intended to support the in-service training of teachers, first, the retrospective grant of that card is subject to the condition that that teacher still be employed in the school system and, second, if that card is not granted retrospectively, that teacher may only claim compensation for the harm suffered as a result of that failure to grant the card subject to his or her compliance with certain specific conditions?

Ruling

Clause 4(1) of the Framework Agreement, read in the light of the principle of effective judicial protection enshrined in Article 47 of the Charter, must be interpreted as not precluding national case-law under which, regarding an action brought by a teacher employed on a fixed-term basis to remedy the wrongful deprivation – on account of the application of

national legislation that is contrary to that provision – of the benefit of a financial advantage in the amount of EUR 500 per year, granted by means of an electronic card enabling the purchase of goods and services intended to support the in-service training of teachers, first, the retrospective grant of that card is subject to the condition that that teacher is still employed in the school system and, second, if that card is not granted retrospectively, that teacher may only claim compensation for the harm suffered as a result of that failure to grant the card subject to compliance with certain specific conditions, provided that (i) all of those conditions also apply to teachers employed on a permanent basis who apply for the same card to be granted retrospectively, and (ii) the procedural rules governing the exercise of that right to compensation also comply with the principles of equivalence and effectiveness.

Creator: European Court of Justice (ECJ)

Verdict at: 2026-01-29

Case number: C-654/24