

SUMMARY

ECJ 13 May 2026, Case C-155/25 (European Commission - v- Italian Republic)

European Commission - v- Italian Republic, Italian case

Summary

Clause 5 of the Framework Agreement on fixed-term work annexed to Directive 1999/70/EC requires Member States to adopt effective measures preventing the abusive use of successive fixed-term employment contracts. Italian legislation governing replacement administrative, technical, and auxiliary staff in public education establishments failed to provide such safeguards, since it neither imposed limits on the duration or number of successive fixed-term contracts nor established sufficiently objective and transparent reasons justifying their renewal. The Court held that the Italian legislation that allowed fixed-term contracts to be repeatedly renewed in order to meet permanent and structural staffing needs, contrary to Clause 5 of the Framework Agreement.

Question

Must Clause 5 of the Framework Agreement on fixed-term work annexed to Directive 1999/70/EC be interpreted as precluding national legislation which allows the repeated renewal of fixed-term employment contracts for replacement administrative, technical, and auxiliary staff in public education establishments without effective measures limiting the duration or number of such contracts and without objective and transparent reasons demonstrating that the renewals correspond to genuine temporary needs?

Ruling

Clause 5 of the Framework Agreement on fixed-term work annexed to Directive 1999/70/EC precludes national legislation which permits the repeated renewal of fixed-term employment contracts for replacement administrative, technical, and auxiliary staff in public education establishments without providing effective measures preventing abuse, such as limits on duration or renewals, or objective and transparent criteria demonstrating that the renewals correspond to genuine temporary needs. National rules allowing such contracts to continue pending recruitment competitions, where those competitions are organised unpredictably and workers must first accumulate periods of temporary service, create a real risk that fixed-term contracts will be used to satisfy permanent and durable staffing needs, contrary to the objectives of the Framework Agreement.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-04-28

ECLI: ECLI:EU:C:2026:405

Case number: C-155/25

Judges: J. Passer, D. Gratsias, and B. Smulders

Case Law References: 7:668a BW and Richtlijn 1999/70/EG