



C/2024/4311

15.7.2024

**Request for a preliminary ruling from the Tribunale di Lecce (Italy) lodged on 16 April 2024 – ZT v
Ministero dell'Istruzione e del Merito**

(Case C-268/24, Lalfi) ⁽¹⁾

(C/2024/4311)

Language of the case: Italian

Referring court

Tribunale di Lecce

Parties to the main proceedings

Applicant: ZT

Defendant: Ministero dell'Istruzione e del Merito

Questions referred

1. Is Clause 4 of the Framework Agreement referred to in [Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work ⁽²⁾ concluded by ETUC, UNICE and CEEP] to be interpreted as precluding a limitation on the award of the teachers' card, as provided for in Article 1(21) et seq. of legge del 13 luglio 2015, n. 107 – Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti (Law No 107 of 13 July 2015 reforming the national education and training system and introducing delegation measures for the reorganisation of the legislative provisions in force) (OJ No 162 of 15 July 2015), based on the duration of the supply teaching assignment?
2. In the light of Clause 4 cited above, is it possible to regard as 'objective grounds', such as to exclude the existence of discrimination, the types of staff vacancy – in the cases referred to in Article 4(1), (2) or (3) of legge 124/99 (Law 124/99) – which the individual supply teacher is called upon to 'fill'?
3. Can the fact of having held temporary supply teaching posts in different schools – in the same academic year – under a number of different temporary supply teaching contracts be regarded as an objective ground within the meaning of Clause 4 of the Framework Agreement of [Directive 1999/70]?
4. In any event, is the assessment of comparability between fixed-term teachers and permanent teachers to be made *ex ante* or must account be taken of the actual duration of the supply teaching services provided in the course of the year (for example, where, although under more than one contract, the supply teacher has worked for a period not unlike a supply teacher recruited to fill a vacant post in the 'de facto' staff lists)?

⁽¹⁾ The name of the present case is fictitious. It does not correspond to the real name of any of the parties to the proceedings.

⁽²⁾ OJ 1999 L 175, p. 43.