



Judgment of the Court (Fourth Chamber) of 4 September 2025 (request for a preliminary ruling from the Corte d'appello di L'Aquila – Italy) – Ministero della Giustizia v NZ

(Case C-253/24, ⁽¹⁾ Pelavi ⁽²⁾)

(Reference for a preliminary ruling – Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP – Clause 4 – Principle of non-discrimination – Equal treatment in employment and occupation – Honorary and ordinary members of the judiciary – Clause 5 – Measures intended to prevent and penalise misuse of successive fixed-term contracts – Directive 2003/88/EC – Article 7 – Right to paid annual leave – Article 31 of the Charter of Fundamental Rights of the European Union – Assessment procedure in order to be permanently confirmed as an honorary member of the judiciary – Waiver, by operation of law, of claims arising from service as an honorary member of the judiciary prior to the assessment procedure – Loss of a right to paid annual leave conferred by EU law)

(C/2025/5560)

Language of the case: Italian

Referring court

Corte d'appello di L'Aquila

Parties to the main proceedings

Applicant: Ministero della Giustizia

Defendant: NZ

Interested party: Istituto nazionale della previdenza sociale (INPS)

Operative part of the judgment

Clause 5(1) of the Framework Agreement on fixed-term work, concluded on 18 March 1999, set out in the annex to Council Directive 1999/70/EC of 28 June 1999 concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP, read in conjunction with Clause 4 of that agreement, Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, and Article 31(2) of the Charter of Fundamental Rights of the European Union,

must be interpreted as precluding national legislation, intended to penalise the misuse of successive fixed-term employment contracts, which makes the application, for serving honorary members of the judiciary, to participate in an assessment procedure in order to be confirmed up to the age of 70, subject to the requirement to waive the right to paid annual leave arising from EU law, relating to their previous honorary employment relationship.

⁽¹⁾ OJ C, C/2024/4952.

⁽²⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.