Letters to the Editor

Italian court has asserted its supremacy over ECJ

From David Petrie, Verona, Italy

5 HOURS AGO

Sir, Jacob Rees-Mogg may not be right in asserting that “ECJ jurisdiction had to be a ‘red line’ indicating whether or not the UK had left the EU” (“May details no-deal trade plan as high-stakes Brexit tussle looms”, October 9). There is now a precedent showing that a member state can remain in the EU and escape the jurisdiction of the European Court of Justice.

The ECJ, in case C-276/07, on May 15 2008, found the University of Florence to be in breach of EU treaty obligations that prohibit discrimination based on nationality and also laid down the principles to be applied to the Belgian citizen who had brought the case to court. On January 14 2011 a Florence court of appeal duly implemented the ECJ principles. However, the case was referred to the Grand Chamber of Italian Supreme Court of Cassation, which on July 4 2017 overruled the ECJ and in so doing asserted its supremacy over the Luxembourg
court.

David Petrie

Chairman, ALLSI — the Association of Foreign Lecturers in Italy,
Verona, Italy