



Press Office of the Constitutional Court

Press release of 24 July 2020

TAX AGENCIES' "POERs" ARE CONSTITUTIONAL: THEY ARE TEMPORARY, NON-MANAGEMENT-LEVEL POSITIONS

Tax agencies' POERs (positions entailing high levels of responsibility) are not management-level positions, nor do they not fall in the middle ground between management and the "Third Area" professional level. Indeed, POERs are temporary by nature, and do not entail conferment of a new status. Therefore, the legal framework governing POERs is different from that held unconstitutional in Judgment No. 37 of 2015; it does not violate constitutional case law, nor the principle whereby posts in the civil service can be accessed only upon successfully passing a competition procedure.

This was held by the Constitutional Court in Judgment No. 164, filed today (Judge Rapporteur – Nicolò Zanon; Author of the Judgment – Giancarlo Coraggio), in which it rejected the questions raised by the Regional Administrative Court of Lazio as to the constitutionality of Article 1(93), letters *a*), *b*), *c*) and *d*) of Law No. 205 of 27 December 2017 (Preliminary budget of the State for the 2018 fiscal year and multi-year budget for the three-year period 2018-2020).

The Court then stated that exempting certain employees of the tax agencies from the pre-selective test for access to management positions does not violate Articles 3, 51 or 97 of the Constitution. This, because recognising qualified experience within the same public administrative body – as occurs in other competitions – implies that the Legislator deems the candidates' professional profile suitable, and conforms to the principle of good administration.

Reserving up to 50% of the positions for these individuals is constitutional under Article 97 of the Constitution and related case law, according to which these limitations have already been considered acceptable.

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