Subject: Assignment of the positions of director of museums to persons who are nationals of an EU Member State but do not have Italian citizenship

The question at issue in the present proceeding is the legitimacy of the appointment of museum director to persons who are nationals of an EU Member State but do not have Italian citizenship.

In affirming the legitimacy of these assignments, the Council of State, in its most solemn plenary composition, disapplied *ex officio* the differing provisions of domestic law, deemed to be in conflict with EU law, in particular with Article 45 of the TFEU (and with the related jurisprudence of the EU Court of Justice), which, in ascribing residual scope to the so-called "nationality reserve" and, vice versa, in recognizing the general value of the "abolition of any discrimination based on nationality among workers of the Member States", would constitute a provision "of direct application".

Since the position of museum director, as the Council of State observed, does not imply the exercise of powers connected with national sovereignty, it follows that, for the appointment of museum director, Italian citizenship is not required.