

SUMMARY

ECJ 15 April 2021, Case C-30/19 (Braathens Regional Aviation AB), Race, Nationality Discrimination

Diskrimineringsombudsmannen – v – Braathens Regional Aviation AB, Swedish case

Summary

If, in a discrimination case, a defendant is willing to pay the full compensation claimed but denies the existence of that discrimination, the discrimination claim must still be heard.

Question

Must Articles 7 and 15 of Directive 2000/43, read in the light of Article 47 of the Charter, be interpreted as precluding a national law which prevents a court hearing an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim for a declaration of the existence of discrimination, where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimination?

Ruling

Articles 7 and 15 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding a national law which prevents a court that is seised of an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim seeking a declaration of the existence of that discrimination where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimination. It is for the national court hearing a dispute between private persons to

ensure, within its jurisdiction, the judicial protection for litigants flowing from Article 47 of the Charter of Fundamental Rights by disapplying as necessary any contrary provision of national law.

Creator: European Court of Justice (ECJ)

Verdict at: 2021-04-15

Case number: C-30/19