

SUMMARY

ECJ 17 November 2022, case C-304/21 (Ministero dell'Interno (Limite d'âge pour le recrutement des commissaires de police)), Age discrimination

VT – v – Ministero dell'Interno, Italian case

Summary

National legislation which provides for the fixing of a maximum age limit of 30 years for participation in a competition aimed at recruiting police commissioners constitutes age discrimination.

Question

Must Article 2(2), 4(1) and 6(1) of Directive 2000/78/EC, read in the light of Article 21 of the Charter of Fundamental Rights of the EU, be interpreted as precluding national legislation which provides for the fixing of a maximum age limit of 30 years for participation in a competition to recruit police commissioners?

Ruling

Article 2(2), 4(1) and 6(1) of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, read in the light of Article 21 of the Charter of Fundamental Rights of the EU, must be interpreted as precluding national legislation which provides for the fixing of a maximum age limit of 30 years for participation in a competition aimed at recruiting police commissioners, in so far as the duties actually performed by those police commissioners do not require particular physical capacities or, if such physical capacities are required, it is apparent that such legislation, while pursuing a legitimate aim, imposes a disproportionate requirement, which it is for the national court to determine.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-11-17

Case number: C-304/21