

SUMMARY

**ECJ 15 June 2023, case C-132/22
(Ministero dell'Istruzione,
dell'Università e della Ricerca
(Classements spéciaux)), Free
Movement**

***BM, NP – v – Ministero dell'Istruzione, dell'Università e della Ricerca
– MIUR, Italian case***

Summary

A Member State may not exclude professional experience gained in other Member States from consideration in admitting candidates to a candidate list for the recruitment of staff in national public higher-education institutions, as this puts both foreign applicants as domestic applicants with foreign experience at a disadvantage.

Question

Must Article 45 TFEU and Article 3(1)(b) of Regulation No 492/2011 be interpreted as precluding national legislation that provides that only candidates who have gained a certain amount of professional experience at national public higher-education institutions for the fine arts, music and dance may be admitted to a procedure for inclusion on the lists compiled for the purpose of recruiting, on permanent or temporary employment contracts, staff in those institutions and that thus prevents professional experience gained in other Member States from being taken into consideration for the purpose of admission to that procedure?

Ruling

Article 45 TFEU and Article 3(1)(b) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the

Union must be interpreted as precluding national legislation that provides that only candidates who have gained a certain amount of professional experience at national public higher-education institutions for the fine arts, music and dance may be admitted to a procedure for inclusion on the lists compiled for the purpose of recruiting, on permanent or temporary employment contracts, staff in those institutions and that thus prevents professional experience gained in other Member States from being taken into consideration for the purpose of admission to that procedure.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-06-15

Case number: C-132/22