

SUMMARY

# ECJ 17 October 2024, case C-349/23 (Zetschek), Age discrimination

## *HB – v – Bundesrepublik Deutschland, German case*

### Summary

The difference in treatment between, on the one hand, federal judges and, on the other hand, federal civil servants and *Land* judges, is not based on age, but on the professional category to which the persons concerned belong at the federal level as well as the regional level. That ground of discrimination does not appear among the grounds listed in Article 1 of Directive 2000/78.

### Question

Must Article 2(2)(a) of Directive 2000/78 be interpreted as meaning that national legislation, under which federal judges cannot postpone their retirement whereas federal civil servants and *Land* judges are allowed to do so, establishes a direct difference in treatment on grounds of age, within the meaning of that provision?

### Ruling

Article 2(2)(a) of Directive 2000/78 must be interpreted as meaning that national legislation, under which federal judges cannot postpone their retirement, whereas federal civil servants and *Land* judges are allowed to do so, does not establish a difference in treatment directly based on age, within the meaning of that provision.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2024-10-17

**Case number:** C-349/23