

SUMMARY

## **ECJ 17 October 2024, case C-408/23 (Anwaltsnotarin), Age discrimination**

### ***Rechtsanwältin und Notarin – v – Präsidentin des Oberlandesgerichts Hamm, German case***

#### **Summary**

National legislation which lays down an upper age limit of 60 years for the first appointment to a position of a lawyer commissioned as notary, prima facie, does not go beyond what is necessary to achieve the aims of ensuring the continued exercise of the profession of notary for a sufficiently long period before retirement in order to safeguard the proper functioning of notarial privileges.

#### **Questions**

Must Article 6(1) of Directive 2000/78, read in the light of Article 21 of the Charter, be interpreted as precluding national legislation which lays down an upper age limit of 60 years for the first appointment to the position of lawyer commissioned as notary?

Must Article 6(1) of Directive 2000/78, read in the light of Article 21 of the Charter, be interpreted as precluding national legislation which lays down an upper age limit of 60 years for the first appointment to a position of lawyer commissioned as notary, including in the situation in which it is found that, for several consecutive years, positions for lawyers commissioned as notaries have not been filled because of a lack of candidates, in respect of such positions advertised in the local court district concerned or in the district of other courts, who satisfy the upper age condition for admission to the profession of notary?

#### **Ruling**

Article 6(1) of Directive 2000/78, read in the light of Article 21 of the Charter, must be interpreted as not precluding national legislation which lays down an upper age limit of

60 years for the first appointment to a position of lawyer commissioned as notary, provided that that legislation pursues a legitimate employment and labour market policy objective and that, in the relevant legislative context and in the light of all the situations to which it applies, that legislation is appropriate and necessary for the achievement of that objective.

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

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

**Case number:** C-408/23