

SUMMARY

ECJ 12 March 2026, Case C-597/24 (C.M. - v - Ministero dell'Istruzione e del Merito)

C.M. - v - Ministero dell'Istruzione e del Merito, Italian case

Summary

Article 5 and Article 2(2)(b) of Directive 2000/78/EC do not preclude national legislation on staff mobility which grants priority to certain disabled teachers while favouring intra-provincial over inter-provincial mobility, and which does not amount to indirect discrimination in so far as the measure does not place disabled teachers at a particular disadvantage.

Questions

1. Must Article 5 of Directive 2000/78/EC (reasonable accommodation) be interpreted as precluding a national scheme which grants priority to disabled school staff but gives preference to intra-provincial over inter-provincial mobility, without taking into account the individual/specific needs of handicapped individuals in concrete situations?
2. Does such a scheme constitute indirect discrimination within the meaning of Article 2(2)(b) of Directive 2000/78/EC, in that it allegedly places teachers with a certain disability level at a particular disadvantage compared with non-disabled teachers or other teachers seeking inter-provincial transfers?

Ruling

Article 5 of Directive 2000/78/EC must be interpreted as not precluding national legislation pursuant to which a staff mobility scheme grants priority to certain disabled employees while giving precedence to intra-provincial over inter-provincial transfers, where that scheme lays down general and abstract rules and does not constitute reasonable accommodation in an

individual/specific case.

Article 2(2)(b) of Directive 2000/78/EC must be interpreted as meaning that such legislation does not constitute indirect discrimination, since it does not place disabled employees at a particular disadvantage compared with non-disabled employees, who are subject to the same allocation sequence, and may even place disabled employees in a more favourable position.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-03-12

ECLI: ECLI:EU:C:2026:198

Case number: C-597/24

Judges: M.L. Arastey Sahún, E. Regan, and D. Gratsias

Case Law References: Hv art. 21, Hv art. 26, Rl 2000/78/EG art. 2 lid 2, and Rl 2000/78/EG art. 2 lid 5