

SUMMARY

# ECJ 17 maart 2026, Case C|258/24 (Katholische Schwangerschaftsberatung - v - JB)

## *Katholische Schwangerschaftsberatung - v - JB, German case*

### Summary

Article 4(1) and (2) of Directive 2000/78/EC, read with Articles 10 and 21 of the Charter, preclude national legislation under which a religiously affiliated organisation may require an employee not to leave the church under threat of dismissal during the employment relationship, or to rejoin it after withdrawal, where that requirement is not essential, legitimate, and justified in light of the nature of the activities concerned or the context in which they are carried out, in particular where non-members may perform the same duties.

### Questions

Is European Union law, in particular Article 4(1) and (2) of Directive 2000/78/EC, read in conjunction with Articles 10 and 21 of the Charter of Fundamental Rights of the European Union, to be interpreted as precluding national legislation under which a private organisation whose character is based on religion may require an employee who is a member of a particular church not to leave that church during the employment relationship, or to rejoin it after withdrawal, where that employee may otherwise continue to perform the same duties and where other employees are permitted to perform those same duties without being members of that church?

### Ruling

Article 4(1) and (2) of Directive 2000/78/EC, read in conjunction with Articles 10 and 21 of the Charter, must be interpreted as precluding national legislation pursuant to which a private organisation whose character is based on religion may require an employee who is a member

of a particular church, under threat of dismissal, not to leave that church during the employment relationship or, following withdrawal, to rejoin it in order to continue that relationship, where that organisation employs other persons to perform the same duties without requiring them to belong to that church, and where, having regard to the nature of the occupational activities concerned or the context in which they are carried out, that requirement does not constitute an essential, legitimate, and justified occupational requirement.

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**Creator:** Hof van Justitie van de Europese Unie

**Verdict at:** 2026-03-17

**ECLI:** ECLI:EU:C:2026:211

**Case number:** C-258/24 and 9 EVRM

**Judges:** K. Lenaerts, T. von Danwitz, F. Biltgen, K. Jürimäe, C. Lycourgos, F. Schalin, S. Rodin, E. Regan, D. Gratsias, M. Gavalec, S. Gervasoni, N. Fenger, and R. Frendo

**Case Law References:** Richtlijn 2000/78/EG