EELA EUROPEAN EMPLOYMENT LAWYERS ASSOCIATION

SUMMARY

ECJ 22 October 2026, Case C-359/25 (IS - v - Ypourgos Exoterikon)

IS - Ypourgos Exoterikon, Greek case

Summary

A national rule requiring diplomatic-service officials to retire at 65 if they have completed 35 years of pensionable public service, while other public officials who do not meet those conditions are not compulsorily retired at that age, may be justified under Directive 2000/78/EC. Facilitating generational renewal and a balanced age structure in the diplomatic service can constitute a legitimate employment-policy aim. The rule must also be appropriate and necessary to achieve that aim, which is for the referring court to verify.

Questions

Does Directive 2000/78/EC preclude a national rule requiring diplomatic-service officials to retire compulsorily at 65 if they have completed 35 years of pensionable public service, when other public officials who do not meet those conditions are not compulsorily retired at that age?

Ruling

Directive 2000/78/EC must be interpreted as not precluding such a national rule, provided that it pursues a legitimate employment and labour-market policy aim and, in the context of the legislation and all the situations to which it applies, is appropriate and necessary to achieve that aim. It is for the referring court to verify whether those conditions are met.

Creator: Hof van Justitie van de Europese Unie
Verdict at: 2026-10-22

ECLI: ECLI:EU:C:2026:898
Case number: C-359/25
Judges: B. Smulders, M.L. Arastey Sahún, and J. Passer
Case Law References: Richtlijn 2000/78/EG and WGBL