

SUMMARY

Case C-46/17. Fixed-term work and equal treatment

Is clause 5, point 1, of the Framework Agreement on fixed-term work concluded on 18 March 1999, which is attached as an Annex to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, to be interpreted as meaning that it precludes national legislation allowing the parties to an employment contract, without additional requirements, to agree during the employment relationship indefinitely to postpone the agreed termination of the relationship upon the worker reaching the normal retirement age, including on more than one occasion if necessary, simply because the worker has a right to a retirement pension upon reaching the normal retirement age?

If the Court answers the Question 1 in the affirmative:

Does the incompatibility of the national legislation referred to Question 1 with clause 5, point 1, of the Framework Agreement also apply when the termination is postponed for the first time?

Are Articles 1, 2(1) and 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Directive 2000/78/EC) and/or the general principles of Community law to be interpreted as meaning that they preclude national legislation allowing the parties to an employment contract, without additional requirements, to agree during the employment relationship indefinitely to postpone the agreed termination of the relationship upon the worker reaching the normal retirement age, including on more than one occasion if necessary, simply because the worker has a right to a retirement pension upon reaching the normal retirement age?

Creator: European Court of Justice (ECJ)

Verdict at: 2017-01-30

Case number: C-46/17