

ECtHR 8 April 2021, application no. 47621/13 and 5 others (Vavříčka and Others v. the Czech Republic), Privacy, Miscellaneous

Mr. Vavříčka and Others – v – the Czech Republic

Summary

Mandatory vaccination policies may not be contrary to art. 8 ECHR.

Judgment

The Court:

- Decides to join the applications;
- Decides, unanimously, to join to the examination of the merits of the complaints of the applicants Brožík and Dubský under Article 8 of the Convention the Government's objection of non-exhaustion of domestic remedies in relation to those complaints;
- Declares, unanimously, the complaints under Article 8 of the Convention admissible;
- Declares, by a majority, the complaints under Article 9 of the Convention inadmissible;
- Declares, unanimously, the complaints under Articles 2, 6, 13 and 14 of the Convention inadmissible;
- Holds, by sixteen votes to one, that there has been no violation of Article 8 of the Convention and finds that, accordingly, the Government's objection of non-exhaustion of domestic remedies in relation to the Article 8 complaints of the applicants Brožík and Dubský has become moot and as such calls for no examination;
- Holds, by sixteen votes to one, that there is no need to examine the applications of the child applicants separately under Article 2 of Protocol No. 1.

ECJ 15 April 2021, Case C-30/19 (Braathens Regional Aviation AB), Race, Nationality Discrimination

Diskrimineringsombudsmannen – v – Braathens
Regional Aviation AB, Swedish case

Summary

If, in a discrimination case, a defendant is willing to pay the full compensation claimed but denies the existence of that discrimination, the discrimination claim must still be heard.

Question

Must Articles 7 and 15 of Directive 2000/43, read in the light of Article 47 of the Charter, be interpreted as precluding a national law which prevents a court hearing an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim for a declaration of the existence of discrimination, where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimination?

Ruling

Articles 7 and 15 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding a national law which prevents a court that is seised of an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim seeking a declaration of the existence of that discrimination where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimi-

nation. It is for the national court hearing a dispute between private persons to ensure, within its jurisdiction, the judicial protection for litigants flowing from Article 47 of the Charter of Fundamental Rights by disapplying as necessary any contrary provision of national law.

ECJ 15 April 2021, Case C-511/19 (Olympiako Athlitiko Kentro Athinon), Age Discrimination

AB – v – Olympiako Athlitiko Kentro Athinon – Spyros Louis, Greek case

Summary

Application of labour reserve system following the Greek financial crisis not found contrary to EU law. The difference in treatment on grounds of age established by that system pursues a legitimate labour-policy objective and the means of achieving that objective are appropriate and necessary.

Question

Must Article 2 and Article 6(1) of Directive 2000/78 be interpreted as precluding national legislation under which public-sector workers who, during a given period, fulfil the conditions for drawing a full pension are placed under a labour reserve system until the termination of their contract of employment, something which entails a reduction in their pay, the loss of potential advancement and the partial or even total cancellation of the severance pay to which they would have been entitled on termination of their employment relationship?

Ruling

Article 2 and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not precluding national legislation under which public-sector workers who, during a given period, fulfil the conditions for drawing a full pension are placed under a labour reserve system until the termination of their contract of employment, which entails a reduction in their pay, the loss of their possible advancement and the partial or even total cancellation of the severance pay to which

they would have been entitled on termination of their employment relationship, where that legislation pursues a legitimate employment-policy objective and the means to achieve that objective are appropriate and necessary.

ECJ 15 April 2021, Case C-875/19 P (FV/Council), Miscellaneous

FV – v – Council of the European Union, EU case

Summary

Appeal to annul the appellant's 2013 staff (performance) report rejected. No English translation of the judgment is available yet.

ECJ 15 April 2021, Case C-877/19 P (FV/Council), Miscellaneous

FV – v – Council of the European Union, EU case

Summary

Appeal to annul the appellant's 2014 and 2015 staff (performance) reports rejected. No English translation of the judgment is available yet.

ECJ 12 May 2021, Case C-27/20 (CAF), Social Insurance

PF, QG – v – Caisse d'allocations familiales (CAF) d'Ille-et-Vilaine, French case

Summary

Use of reference year for determining family allowances not found contrary to Article 45 TFEU and Article 7 of Regulation 492/2011, even if subsequent income is significantly reduced.