

## Case C-301/21, Discrimination General, Age Discrimination

Curtea de Apel Alba Iulia and Others – v – YF and Others, reference lodged by the Curtea de Apel Oradea (Romania) on 11 May 2021

1. Must Article 9(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, which ensures that judicial procedures are ‘available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them’, and the first paragraph of Article 47 of the Charter of Fundamental Rights of the European Union, which guarantees the right to ‘an effective remedy [and] a fair ... hearing’, be interpreted as precluding national legislation, such as that laid down in Article 211(c) of *Legea dialogului social nr. 62/2011* (Law No 62/2011 on social dialogue), which provides that the three-year time limit for bringing a claim for compensation runs ‘from the date on which the damage occurred’, irrespective of whether or not the claimants were aware of the occurrence of the damage (and the extent thereof)?
2. Must Article 2(1) and (2) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, together with Article 3(1)(c), in fine, of that directive, be interpreted as precluding national legislation, such as that laid down in Article 1(2) of *Legea-cadru nr. 330 din 5 noiembrie 2009 privind salarizarea unitară a personalului plătit din fonduri publice* (Framework Law No 330 of 5 November 2009 on the uniform remuneration of staff paid from the public purse), as interpreted by Decision No 7/2019 (published in *Monitorul Oficial al României – Official Journal of Romania – No 343 of 6 May 2019*), given by the *Înalta Curte de Casație și Justiție* (High Court of Cassation and Justice, Romania), ruling on an appeal on a point of law, in circumstances in which the claimants did not have the legal possibility of requesting an increase in their employment allowance on entering the judiciary at a date after the entry into force of [*Framework Law No 330/2009*], a legislative act which expressly

provided that remuneration rights are to be and remain exclusively as provided in [that] law, thus creating remuneration discrimination as compared with their colleagues, including on the basis of the criterion of age, which means in fact that only older judges, who were appointed before January 2010 (who benefited from court rulings in the period from 2006 to 2009, the operative parts of which were subject to interpretation in 2019 pursuant to Decision [No 7/2019 of the *Înalta Curte de Casație și Justiție* (High Court of Cassation and Justice)]), received retroactive payment of remuneration rights (similar to those sought in the action which forms the subject matter of the present proceedings) during December 2019 and January 2020, in respect of the period from 2010 to 2015, even though during that period the claimants also acted as judges and performed the same work, under the same conditions and in the same institution?

3. Must the provisions of Directive 2000/78/EC be interpreted as precluding discrimination only where it is based on one of the criteria referred to in Article 1 of that directive or, on the contrary, do those provisions, possibly supplemented by other provisions of EU law, generally preclude one employee from being treated differently from another, in respect of remuneration, where he or she performs the same work, for the same employer, [during the] same period, and under the same conditions?

## Case C-304/21, Age Discrimination

VT – v – Ministero dell’Interno, Ministero dell’Interno – Dipartimento della Pubblica Sicurezza – Direzione centrale per le risorse umane, reference lodged by the Consiglio di Stato (Italy) on 12 May 2021

Must Council Directive 2000/78/EC of 27 November 2000, Article 3 TEU, Article 10 TFEU and Article 21 of the Charter of Fundamental Rights of the European Union be interpreted as precluding the national legislation contained in Legislative Decree No 334/2000, as subsequently amended and supplemented, and in the secondary sources adopted by the Ministry of the Interior, which lays down an age limit of 30 years for