

**Judgment of the Court (First Chamber) of 24 November 2016 (request for a preliminary ruling from the Labour Court — Ireland) — David L. Parris v Trinity College Dublin and Others**

(Case C-443/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Equal treatment in employment and occupation — Directive 2000/78/EC — Article 2 — Prohibition of discrimination on grounds of sexual orientation and age — National pension scheme — Payment of a survivor's benefit to the civil partner — Condition — Partnership contracted before the 60th birthday of the member of the scheme — Civil partnership — Not possible in the Member State concerned before 2010 — Existing stable relationship — Article 6(2) — Justification of differences of treatment on grounds of age)*

(2017/C 030/10)

Language of the case: English

**Referring court**

Labour Court

**Parties to the main proceedings**

Applicant: David L. Parris

Defendants: Trinity College Dublin, Higher Education Authority, Department of Public Expenditure and Reform, Department of Education and Skills

**Operative part of the judgment**

1. Article 2 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 meaning that a national rule which, in connection with an occupational benefit scheme, makes the right of surviving civil partners of members to receive a survivor's benefit subject to the condition that the civil partnership was entered into before the member reached the age of 60, where national law did not allow the member to enter into a civil partnership before reaching that age, does not constitute discrimination on grounds of sexual orientation.
2. Articles 2 and 6(2) of Directive 2000/78 must be interpreted as meaning that a national rule, such as that at issue in the main proceedings, which, in connection with an occupational benefit scheme, makes the right of surviving civil partners of members to receive a survivor's benefit subject to the condition that the civil partnership was entered into before the member reached the age of 60, where national law did not allow the member to enter into a civil partnership before reaching that age, does not constitute discrimination on grounds of age.
3. Articles 2 and 6(2) of Directive 2000/78 must be interpreted as meaning that a national rule such as that at issue in the main proceedings is not capable of creating discrimination as a result of the combined effect of sexual orientation and age, where that rule does not constitute discrimination either on the ground of sexual orientation or on the ground of age taken in isolation.

<sup>(1)</sup> OJ C 354, 26.10.2015.