



Reports of Cases

Judgment of the Court (Sixth Chamber) of 21 May 2015 — SCMD

(Case C-262/14) ¹¹

(Reference for a preliminary ruling — Equal treatment in employment and occupation — Directive 2000/78/EC — Articles 2, 3(1) and 6 — Prohibition of discrimination based on age — Discrimination on grounds of membership of a socio-professional category or place of work — National legislation prohibiting, subject to certain limits, the combination of a pension with employment income from professional activity in the public sector — Automatic termination of the employment relationship or service relationship)

1. *Social policy — Equal treatment in employment and occupation — Directive 2000/78 — Scope — Prohibition of discrimination on grounds of age — National legislation prohibiting, subject to certain limits, the combination of a pension with employment income from professional activity in the public sector — Excluded (Council Directive 2000/78, Arts 1, 2(2) and 3(1)) (see paras 24, 27-31, 36, 37, operative part)*
2. *Social policy — Equal treatment in employment and occupation — Directive 2000/78 — Scope — Employment and working conditions — Automatic termination of the employment or service relationship — Included (Council Directive 2000/78, Art. 1 and 3(1)(c)) (see para. 32)*

Operative part

The Court:

Articles 2(2) and 3(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation do not apply to national legislation, such as that at issue in the main proceedings, that provides for automatic termination of employment relationships or service relationships of public sector employees benefitting from a pension that is higher than the gross average income who have not opted for continuing that employment relationship or service relationship within a specified time.

¹ — OJ C 315, 15.9.14.