

AGE CONCERN ENGLAND - Case C-388/07, The Incorporated Trustees of the National Council on Ageing (Age Concern England) v Secretary of State for Business, Enterprise and Regulatory Reform



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Reviews

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(Dr. Kayden Gerlach)

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GRIN Verlag Nov 2012, 2012. Taschenbuch. Book Condition: Neu. 210x148x1 mm. This item is printed on demand - Print on Demand Neuware - Research Paper from the year 2009 in the subject Law - Civil / Private / Industrial / Labour, grade: A-, University of Basel (Europainstitut), course: Social-Non Discrimination Law, language: English, abstract: The judgments of the European Court of Justice (hereinafter 'ECJ') are not often covered by media. With an exception, there are some cases that have a great impact in everyday life of nationals of the European Union (hereinafter 'EU'). One of such cases is the long-awaited Age Concern England, which is significant for confirming that Directive 2000/78/EC of 27 th November 2000 (Employment Equality Directive, hereinafter 'Directive') prohibits discrimination on grounds of age. On 5th March 2009, the ECJ referred a decision back to the High Court after clarifying that social policy objectives 'such as those related to employment and the labour market' may be considered legitimate under EC law. This means that employers can still lawfully dismiss employees at the age of 65. In the context of Directive, the present case both covers personal scope (the Directives apply to all persons: natural and legal, in the EU regardless of nationality, public and private sector) and material scope (question if retirement ages covered by Directive). In fact, Age Concern England case 'enriches case law of discrimination on grounds of age, especially on the obligations of the Member States (hereinafter, 'MS') in respect of the prohibition of discrimination on grounds of age laid down in Article 2 (hereinafter - 'Art.') of Directive, particularly the degree with which that prohibition must be transposed into national law.' Moreover, Age Concern England continues case law of earlier cases involving arguments regarding discrimination on grounds of age, for example, Mangold, Lindorfer,...

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