

Question referred

Is the national legislation referred to in Article 3(7) of Decree Law No 64 of 30 April 2010, converted into Law No 100 of 29 June 2010, according to which ‘for workers in the performing arts belonging to the category of dancers, the retirement age is fixed for men and women at the forty-fifth year of chronological age, with the use, for workers to whom the contributory or mixed system applies in full, of the transformation coefficient referred to in Article 1(6) of the Law of 8 August 1995, No 335, relative to the higher age. For the two years following the date of entry into force of this provision, the workers referred to in this paragraph employed on contracts of indefinite duration, who have reached or passed the retirement age, are afforded the option, renewable annually, of remaining in service. This option must be exercised through a formal application to be presented to the ENPALS within two months of the date of entry into force of this provision, or at least three months before pension rights are fully vested, without prejudice to the maximum retirement age of forty-seven years for women and fifty-two for men’, contrary to the principle of non-discrimination on grounds of sex, as laid down in Directive 2006/54 ⁽¹⁾ and in the Charter of Fundamental Rights of the European Union (Article 21)?

⁽¹⁾ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ 2006 L 204, p. 23).

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 20 March 2017 — Catia Passeri v Fondazione Teatro dell’Opera di Roma

(Case C-143/17)

(2017/C 249/26)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: Catia Passeri

Respondent: Fondazione Teatro dell’Opera di Roma

Question referred

Are the provisions of national law in Article 3(7) of Decree Law No 64 of 30 April 2010, converted into Law No 100 of 29 June 2010, according to which ‘for workers in the performing arts belonging to the category of dancers, the retirement age is fixed for men and women at the forty-fifth year of chronological age, with the use, for workers to whom the contributory or mixed system applies in full, of the transformation coefficient referred to in Article 1(6) of the Law of 8 August 1995, No 335, relative to the higher age. For the two years following the date of entry into force of this provision, the workers referred to in this paragraph employed on contracts of indefinite duration, who have reached or passed the retirement age, are afforded the option, renewable annually, of remaining in service. This option must be exercised through a formal application to be presented to the ENPALS within two months of the date of entry into force of this provision, or at least three months before pension rights are fully vested, without prejudice to the maximum retirement age of forty-seven years for women and fifty-two for men’, contrary to the principle of non-discrimination on grounds of sex, laid down in Directive 2006/54 ⁽¹⁾ and in the Charter of Fundamental Rights of the European Union (Article 21)?

⁽¹⁾ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ 2006 L 204, p. 23).
