



MASARYK UNIVERSITY FACULTY OF LAW

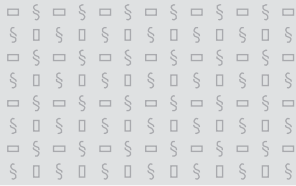
Case presentation

Case C-281/98, 6 June 2000

Roman Angonese vs.

Cassa di Risparmio di Bolzano SpA

Jaroslav Stránský



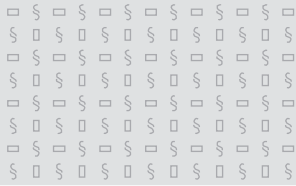
Case facts

- Mr Angonese is an Italian national whose mother tongue is German and who is resident in the province of Bolzano.
- Mr. Angonese went to study in Austria between 1993 and 1997.
- In 1997 he applied to take part in a competition for a post with private banking undertaking in Bolzano, the Cassa di Risparmio.



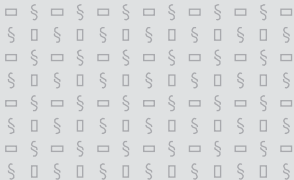
Case facts

- One of the conditions for entry to the competition was a type-B certificate of bilingualism (in Italian and German).
- The Certificate is issued by the public authorities of the province Bolzano after an examination which is held only in that province.
- Mr Angonese was perfectly bilingual, but he did not have the Certificate.
- The Cassa di Risparmio informed Mr Angonese that he could not be admitted to the competition.



Case facts

- Mr Angonese complains that the requirement to have the Certificate is unlawful and contrary to the principle of freedom of movement for workers.
- Mr Angonese claims that the requirement should be declared void and the Casa di Risparmio should be ordered to compensate him for his loss of opportunity.



Preliminary question

- The Italian court decided to stay proceedings and to refer the following question to the Court:

Is it compatible with the EU law to make the admission of candidates for a competition organised to fill posts in a company governed by private law conditional on possession of the official certificate attesting to knowledge of local languages issued exclusively by a public authority of a Member State at a single examination centre?



Court decision

- The Certificate can be obtained only in one province of Italy. Persons not resident in that province have little chance of acquiring the Certificate and it will be difficult for them to gain access to the employment in question. The majority of residents of the province Bolzano are Italian nationals. The obligation to have the Certificate puts nationals of other Member States at disadvantage.
- Requiring an applicant for a post to have certain level of linguistic knowledge may be legitimate.
- Where an employer make a person's admission to a recruitment competition subject to a requirement to provide evidence of his linguistic knowledge exclusively by means of one particular diploma issued only in one particular province of a Member State, **that requirement constitutes discrimination on grounds of nationality.**