



## PRESS RELEASE No 187/23

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Judgment of the Court in Case C-518/22 | AP Assistenzprofis

### **The hiring of a personal assistant to help a disabled person in everyday life may be limited to persons within the same age range**

*The ensuing difference of treatment on grounds of age may be justified having regard to the nature of the personal assistance services provided*

AP Assistenzprofis is a Germany company specialising in providing assistance and advice to persons with disabilities. In 2018, that company was seeking personal assistants to help a 28-year-old female student in all areas of her everyday life. The job advertisement stated a preference for persons ‘between 18 and 30 years old’. A candidate whose age is not within that range and whose job application was rejected asserts that she was discriminated against on account of her age.

The German Federal Labour Court has asked the Court of Justice to what extent a balance may be struck, in such a situation, between protection against age discrimination, on the one hand, and protection against discrimination on the basis of disability, on the other.

**In its judgment, the Court of Justice points out that the preference for personal assistants within a certain age range expressed by the disabled person is likely to promote respect for that person’s right to self-determination.**

In the present case, the German legislation expressly requires that the individual wishes of disabled persons be met in the context of the provision of personal assistance services. Consequently, the persons concerned must be able to choose how, where and with whom they live.

In that context, it appears reasonable to expect that a personal assistant within the same age range as the disabled person will fit more easily in that person’s personal, social and university circle. The imposition of an age requirement may therefore be necessary and justified having regard to the protection of the right to self-determination of the disabled person concerned.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court’s decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text, and, as the case may be, the abstract](#) of the judgment are published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

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