

C-281/98 Angonese [2000]

Facts: The applicant was an Italian national whose mother tongue was German but who resided in Bolzano. Following his studies, he applied to compete for a post with a private banking undertaking in Bolzano. The bank required, as a prerequisite, for applicants to have a type-B certificate of bilingualism (in Italian and German) which used to be required in the province of Bolzano for access to one career path in the public service. The examination for this certificate was only held in Bolzano: while the applicant was bilingual and had evidenced his knowledge by other certificates, he was not in possession of the certificate required. On this basis, he was not admitted to the competition.

Held: The bank's rule was indirectly discriminatory, even though the requirement affected Italian national residents in other parts of Italy as well as nationals from other Member States. As most of Bolzano's residents were of Italian nationality, the obligation to obtain the certificate had the effect of putting nationals of other Member States at a disadvantage. While requiring an applicant for a post to have a certain level of linguistic knowledge could be legitimate, the fact that it was not possible to submit proof of the required linguistic knowledge by any other means, in particular by equivalent qualifications obtained in other Member States, was considered to be disproportionate in relation to the aim in view.