



28.8.2013

NOTICE TO MEMBERS

Subject: Petition 1464/2012 George Dupont (French), on the integration of people with disabilities in the French civil service

1. Summary of petition

The petitioner is a person with a disability, who has served as an official in the French civil service for 39 years. Because of a disability which he developed in 1995, the petitioner has apparently been dismissed by the French civil service and is asking to be reinstated.

2. Admissibility

Declared admissible on 29 April 2013. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 28 August 2013

The European Commission is fully committed to protecting the fundamental rights and in particular to improving the situation of people with disabilities at European level.

Directive 2000/78/EC of 27 November 2000 lays down a general framework for combating discrimination *inter alia* on the grounds of disability, as regards employment and occupation.¹ This directive has been implemented in national legislation, including in France.

The Directive also covers dismissal on grounds of disability. However, Recital 17 of the Directive also states that the recruitment, promotion, maintenance in employment or training of an individual who is not capable and available to perform the essential functions of the post is not required. This is without prejudice to the obligation for employers to provide reasonable

¹ OJ L 303, 2/12/2000, p.16.

accommodation for people with disabilities.

It is therefore up to the national courts to review the situation raised by the petitioner, particularly with regard to equal treatment legislation at the national level.

Conclusion

The Commission can confirm that the particular situation raised by the petitioner indeed falls within the scope of EU law, more specifically Directive 2000/78/EC. It has to be noted, however, that only national courts are competent to review the conformity with anti-discrimination law of decisions taken at the national level. The European Commission is thus not able to assess the facts in this individual case.