

**Case C-214/94**

**Ingrid Boukhalfa**

**v**

**Bundesrepublik Deutschland**

(Reference for a preliminary ruling  
from the Bundesarbeitsgericht)

(National of a Member State established in a non-member country —

Employed on the local staff of the embassy of another

Member State in that non-member country

— Treated differently from local staff having the nationality of the

Member State whose embassy is involved — Applicability of Community law —

Prohibition of discrimination based on nationality)

Opinion of Advocate General Léger delivered on 14 November 1995 ..... I - 2255

Judgment of the Court, 30 April 1996 ..... I - 2273

**Summary of the Judgment**

*Freedom of movement for persons — Workers — Equal treatment — Territorial and personal scope — National of a Member State established in a non-member country, employed on the local staff of the embassy of another Member State in that non-member country — Included (EC Treaty, Arts 48(2) and 227; Council Regulation No 1612/68, Art. 7(1) and (4))*

The prohibition of discrimination based on nationality, laid down in Article 48(2) of the Treaty and Article 7(1) and (4) of Regulation No 1612/68 on freedom of movement for workers within the Community, applies to a national of a Member State who is permanently resident in a non-member country, who is employed by another Member State in its embassy in that non-member country and whose contract of employment was entered into and is permanently performed there, as regards all aspects of the employment relationship which are governed by the legislation of the employing Member State.

Article 227 of the Treaty, which defines the geographical application of the Treaty and, in principle, of secondary legislation, does not preclude Community rules from having effects outside the territory of the Community, in particular as regards employment relationships which, although they concern an activity pursued outside that territory, retain a sufficiently close link with the Community; that must be deemed to extend also to cases in which there is a sufficiently close link between the employment relationship, on the one hand, and the law of a Member State and thus the relevant rules of Community law, on the other.