



PRESS RELEASE No 90/26

Luxembourg, 18 June 2026

Judgment of the Court in Case C-522/24 | Ministero della Difesa (Vaccination requirement for military personnel)

Compulsory vaccination against SARS-CoV-2, limited to military personnel, does not constitute discrimination under EU law

In 2022, an officer of the Italian Ministry of Defence was suspended for refusing to comply with the SARS-CoV-2 vaccination requirement. That requirement, introduced in the context of the pandemic, concerned only the military personnel of the Ministry, to the exclusion of civilian personnel, and failure to comply with it entailed the suspension of the person concerned from his or her duties.

In the context of an action brought against that penalty, ¹ the Italian Council of State referred a question to the Court of Justice in order to determine whether that obligation was compatible with EU law. ²

By its question, the Council of State seeks to ascertain whether the vaccination requirement at issue constitutes direct discrimination between military personnel and civilian personnel performing comparable duties, or indirect discrimination against persons opposed to the vaccination based on personal beliefs.

It also asks the Court of Justice whether that measure is compatible with the Charter of Fundamental Rights of the European Union, ³ since the suspension deprived the officer of all remuneration and therefore of the means necessary to provide for himself, his wife and his two minor children.

In its judgment, first, the Court observes that EU law aims to combat direct discrimination in employment and occupation **on any of the grounds explicitly listed** in the relevant EU legislation. ⁴ However, in the present case, **the difference in treatment** between the military personnel and the civilian personnel of the Ministry of Defence **is based on membership of a particular professional category, a ground which does not come within the scope of that legislation.**

Secondly, EU law also aims to combat indirect discrimination in the field of employment, that is to say, measures which, though apparently neutral, are likely to put persons having, *inter alia*, a particular religion or philosophical or spiritual belief at a particular disadvantage.

Nevertheless, the applicant, who alleges, amongst other things, that there is limited knowledge regarding the effectiveness of the vaccination, bases his refusal on external scientific documents and on arguments relating to liability for potential risks. **He thus seeks to challenge the choices made by the Italian authorities in the field of public health rather than to assert his own beliefs.** Accordingly, the reasons for that refusal do not come within the concept of 'belief', but rather constitute **opinions**, which are not taken into account by the EU legislation in question.

Lastly, **in the absence of any link between the vaccination requirement at issue and EU law, it is not possible to identify a possible infringement of the Charter of Fundamental Rights**, which applies to Member States only when they are implementing EU law.

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 EU law or the validity of

an EU 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.

Unofficial document for media use, not binding on the Court of Justice.

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

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

Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

Stay Connected!



¹ The Council of State was called upon to deliver an opinion in the context of an extraordinary appeal brought before the President of the Italian Republic, an alternative avenue to a judicial appeal which may be pursued within a specific time limit against decisions that are final.

² [Council Directive 2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

³ Articles 1 and 24.

⁴ Article 1 of Directive 2000/78 provides that 'the purpose of [that] directive is to lay down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation'.