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ECJ ruling on biological hazards

Compulsory vaccination in the workplace

In its ruling of 12 June 2025, the ECJ ruled that national regulations are permissible that oblige employers to vaccinate employees if they are exposed to biological agents (e.g. SARS-CoV-2). This is based on Directives 89/391/EEC and 2000/54/EC on occupational health and safety.

The ECJ refers to Article 6 (1) and (2) and Article 9 (1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, and Article 14 (3) of Directive 2000/54/EC of the European Parliament and of the council of 18 September 2000 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16 [1] of Directive 89/391/EEC), as amended by Commission Directive (EU) 2020/739 of 3 June 2020, read in conjunction with points 1 and 2 of Annex VII to Directive 2000/54, as amended.

Confirmation of national regulations

According to the ECJ, the aforementioned directives and measures are to be construed to the effect that they do not preclude national legislation pursuant to which an employer may require workers with whom it has concluded an employment contract to undergo vaccination if they are exposed to a biological risk.

The request was made in proceedings between, on the one hand, several members of the operational staff responsible for emergency assistance within Tallinna Kiirabi (Tallinn ambulance service, Estonia), and, on the other hand, Tallinna linn (City of Tallinn), concerning the termination of those members' employment contracts on account of the lack of proof of vaccination against the SARS-CoV-2 virus or of a contraindication to such vaccination.

Original proceedings

At the national level, the parties to the proceedings went through several legal instances. Since the applicants in the main proceedings did not furnish such proof, the City of Tallinn, in July 2021, terminated their employment contracts without notice, on the ground that the specific nature of the work of ambulance staff requires and warrants the vaccination of the persons exercising it and that, since no other measure is sufficient to protect the health of patients, other workers and the worker him or herself, the work of ambulance staff may be carried out only by vaccinated persons.

By judgment of 29 September 2022, the Harju Maakohus (Court of First Instance, Harju, Estonia), before which the applicants in the main proceedings brought an action challenging the termination of their employment contracts and seeking compensation from the City of Tallinn for unfair termination, upheld that action in part. That court held that that termination was null and void, on the ground that the City of Tallinn could not unilaterally impose mandatory vaccination in the absence of a law or regulation of the executive enabling it to do so. It therefore ordered the City of Tallinn to pay compensation, albeit in an amount lower than that requested by the applicants in the main proceedings.

The applicants in the main proceedings and the City of Tallinn each brought an appeal against that decision before the Tallinna Ringkonnakohus (Court of Appeal, Tallinn, Estonia), which, by judgment of 26 May 2023, held, while setting aside in part the judgment of the Harju Maakohus (Court of First Instance, Harju) as regards the amount of the compensation, that the City of Tallinn could not unilaterally impose mandatory vaccination, pointing out in that regard, in particular, that neither Paragraph 13 (2) of the TTOS nor Paragraph 6 (2) (7) of the Regulation on biological risks confers on it the power to impose such mandatory vaccination.

The City of Tallinn brought an appeal on a point of law against that decision before the Riigikohus (Supreme Court, Estonia), which is the referring court. This court dealt with the question of whether vaccination—in a context marked by the absence of national rules defining the areas of activity or the professions for which vaccination against the SARS-CoV-2 virus is mandatory—should be regarded as a requirement relating to health and safety at work or as a unilateral measure on the part of the employer.

Under Estonian law, the employer must guarantee that the employee's working conditions comply with the requirements relating to health and safety at work; to that end, Paragraph 13(2) of the TTOS provides that the employer may impose more stringent requirements than those laid down by the national legislation. Thus, in the present case, the City of Tallinn, after carrying out a risk assessment, required the applicants in the main proceedings to undergo vaccination against the SARS-CoV-2 virus, on the basis of Paragraph 13 (2) of the TTOS, which had transposed the provisions of Directives 89/391 and 2000/54 into Estonian law.

In that context, the Riigikohus (Supreme Court) of Estonia had doubts as to whether national legislation allowing an employer to impose on its workers mandatory vaccination without their consent as a condition for continuing the employment relationship, is compatible with those directives, having regard also to the right to the integrity of the person, guaranteed by Article 3 of the Charter. In these circumstances, the court decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling.

Not within the scope of the Charter

The ECJ has held that fundamental EU rights could not be applied in relation to national legislation because the provisions of EU law in the area concerned did not impose any specific obligation on member states with regard to a given situation (judgments of 10 July 2014, Julián Hernández and others, C-198/13, EU:C:2014:2055, no. 35, and of 28 November 2024, PT [Agreement concluded between the prosecutor and the perpetrator of an offence], C-432/22, EU:C:2024:987, no. 36).

In such a case, the national rule enacted by a member state as regards such a situation falls outside the scope of the Charter and, accordingly, that situation cannot be assessed in the light of the provisions of the Charter (see, to that effect, the judgment of 20 October 2022, Curtea de Apel Alba Iulia and others, C-301/21, EU:C:2022:811, no. 75 and the case law cited).

On those grounds, the court (Tenth Chamber) ruled, following due deliberation, that nothing precludes national legislation pursuant to which an employer may require workers with whom it has concluded an employment contract to undergo vaccination if they are exposed to a biological risk.

Areas of application

The ruling affects professions with an increased risk of infection: e.g., nursing staff, laboratory workers, medical personnel. Employers may therefore require vaccinations if no equivalent protective measure is possible.

Significance

The ruling strengthens occupational health and safety and gives member states leeway to regulate vaccination obligations. It emphasises that employers have a duty of care towards their employees.

Conclusion

With this ruling, the ECJ confirms that national laws that provide for such an obligation are compatible with EU law.

Source: ECJ ruling C-219/24, judgment of 12 June 2025