



NEWS REPORT

Date: 22 March 2010
Expert: Sophie Latraverse
Title: relating to Decree n° 2009-1744 of 30 December 2009 and regarding implementation of article 1-3 of Law n° 84-834 of 13 September 1984 on age limitations in the public service and Ministerial Instruction n° DGAFP/DGCL/DHOS of 10 March 2010
Country: France

Context

Issue at stake: Implementation of extensions to age limitations in the public service
Ground of discrimination: Age
Source: Legislation
Field: Employment

Content

Political development: Article 93 of the Law no 2008-1330 of December 17 2008 financing social security for the year 2009, will allow public agents who are subjected to a statutory age limit for service which has been set under 65 years of age, to request from the employer authorisation to prolong activity beyond the statutory age limit until 65 years of age if they remain physically fit, starting 1st July, 2010.

Application Decree n° 2009-1744 of 30 December 2009 implements this reform and a ministerial instruction of 10 March 2010 further provides indications as to the implementing measures of the rules applicable and transitory provisions for those reaching the age limit before 1st July 2010.

In derogation to common practices, if the public service does not reply to the request for prolongation, it is deemed to be accepted. Those reaching the age limit before 1st of July must file their request to their employers before March 2010 and must stay in activity while waiting for a reply from the public employer.



Internet link source and additional information:

Decree:

[http://www.legifrance.gouv.fr/affichTexte.do?
cidTexte=JORFTEXT000021572398&fastPos=1&fastReqId=11413201&cate
gorieLien=cid&oldAction=rechTexte](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000021572398&fastPos=1&fastReqId=11413201&categorieLien=cid&oldAction=rechTexte)

Ministerial Instruction

http://www.allier.pref.gouv.fr/pdf/circulaires/circ_retraites_100310.pdf