

Judgment of the Court (Fourth Chamber) of 18 December 2014 (request for a preliminary ruling from the Retten i Kolding, Civilretten) — FOA, acting on behalf of Karsten Kaltoft v Kommunernes Landsforening (KL), acting on behalf of Billund Kommune

(Case C-354/13) ⁽¹⁾

Reference for a preliminary ruling — Social policy — Dismissal — Ground — Obesity of the worker — General principle of non-discrimination on the grounds of obesity — Lack — Directive 2000/78/EC — Equal treatment in employment and occupation — Prohibition of all discrimination on the basis of a disability — Existence of a ‘disability’

(2015/C 065/09)

Language of the case: Danish

Referring court

Retten i Kolding, Civilretten

Parties to the main proceedings

Applicant: FOA, acting on behalf of Karsten Kaltoft

Defendant: Kommunernes Landsforening (KL), acting on behalf of Billund Kommune

Operative part of the judgment

- 1) EU law must be interpreted as not laying down a general principle of non-discrimination on grounds of obesity as such as regards employment and occupation;
- 2) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that the obesity of a worker can constitute a ‘disability’ within the meaning of that directive where it entails a limitation resulting in particular from long-term physical, mental or psychological impairments which in interaction with various barriers may hinder the full and effective participation of the person concerned in professional life on an equal basis with other workers. It is for the national court to determine whether, in the main proceedings, those conditions are met.

⁽¹⁾ OJ C 252, 31.8.2013.

Judgment of the Court (Grand Chamber) of 18 December 2014 (request for a preliminary ruling from the High Court of Justice (Chancery Division) — United Kingdom) — International Stem Cell Corporation v Comptroller General of Patents, Designs and Trade Marks

(Case C-364/13) ⁽¹⁾

(Reference for a preliminary ruling — Directive 98/44/EC — Article 6(2)(c) — Legal protection of biotechnological inventions — Parthenogenetic activation of oocytes — Production of human embryonic stem cells — Patentability — Exclusion of ‘uses of human embryos for industrial or commercial purposes’ — Concepts of ‘human embryo’ and ‘organism capable of commencing the process of development of a human being’)

(2015/C 065/10)

Language of the case: English

Referring court

High Court of Justice (Chancery)