

**Request for a preliminary ruling from the Tribunal Superior de Justicia de las Islas Baleares (Spain)
lodged on 7 October 2022 — J. M. A. R v C.N.N., SA**

(Case C-631/22)

(2023/C 24/32)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de las Islas Baleares

Parties to the main proceedings

Appellant: J. M. A. R

Respondent: C.N.N., SA

Questions referred

1. Must Article 5 of Directive 2000/78/EC [of 27 November 2000] establishing a general framework for equal treatment in employment and occupation ⁽¹⁾ be interpreted, having regard to recitals 16, 17, 20 and 21 of the directive, Articles 21 and 26 of the Charter of Fundamental Rights of the European Union, and Articles 2 and 27 of the United Nations Convention on the Rights of Persons with Disabilities (approved by Council Decision 2010/48/EC of 26 November 2009), ⁽²⁾ as precluding the application of a national rule of law which establishes that a worker's disability (where the worker has been declared to be totally and permanently unable to perform his or her normal occupation, with no prospect of improvement) is automatic grounds for termination of the employment contract, with no prior requirement for the employer to comply with the obligation to make 'reasonable accommodation' as required by Article 5 of the directive in order to enable the individual to remain in employment (or to show that the requirement would impose a disproportionate burden)?
2. Must Article 2(2) and Article 4(1) of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation be interpreted, having regard to recitals 16, 17, 20 and 21 of the directive, Articles 21 and 26 of the Charter of Fundamental Rights of the European Union, and Articles 2 and 27 of the United Nations Convention on the Rights of Persons with Disabilities (approved by Council Decision 2010/48/EC of 26 November 2009), as meaning that the automatic termination on grounds of disability of the employment contract of a worker (who has been declared to be totally and permanently unable to perform his or her normal occupation), with no prior requirement for the employer to comply with the obligation to make 'reasonable accommodation' as required by Article 5 of the directive in order to enable the individual to remain in employment (or to show that the requirement would impose a disproportionate burden), constitutes direct discrimination, even though a rule of domestic law provides for termination of the contract?

⁽¹⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

⁽²⁾ Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (OJ 2010, L 23, p. 35).

**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 10 October 2022 —
AB Volvo v Transsaqui S.L.**

(Case C-632/22)

(2023/C 24/33)

Language of the case: Spanish

Referring court

Tribunal Supremo