

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders T & L Sugars Ltd and Sidul Açúcares, Unipessoal Lda to pay the costs.

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the Court (Fourth Chamber) of 29 April 2015 (request for a preliminary ruling from the Tribunal administrative, Strasbourg — France) — Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes, Établissement français du sang

(Case C-528/13) ⁽¹⁾

(Reference for a preliminary ruling — Public health — Directive 2004/33/EC — Technical requirements relating to blood and blood components — Blood donation — Eligibility criteria for blood donors — Criteria for permanent or temporary deferral — Persons whose sexual behaviour puts them at a high risk of acquiring severe infectious diseases that can be transmitted by blood — Man who has had sexual relations with another man — Charter of Fundamental Rights of the European Union — Articles 21(1) and 52(1) — Sexual orientation — Discrimination — Justification — Proportionality)

(2015/C 213/10)

Language of the case: French

Referring court

Tribunal administrative, Strasbourg

Parties to the main proceedings

Applicant: Geoffrey Léger

Defendants: Ministre des Affaires sociales, de la Santé et des Droits des femmes, Établissement français du sang

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Point 2.1 of Annex III to Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components must be interpreted as meaning that the criterion for permanent deferral from blood donation in that provision relating to sexual behaviour covers the situation in which a Member State, having regard to the prevailing situation there, provides for a permanent contraindication to blood donation for men who have had sexual relations with other men where it is established, on the basis of current medical, scientific and epidemiological knowledge and data, that such sexual behaviour puts those persons at a high risk of acquiring severe infectious diseases and that, with due regard to the principle of proportionality, there are no effective techniques for detecting those infectious diseases or, in the absence of such techniques, any less onerous methods than such a counter indication for ensuring a high level of health protection of the recipients. It is for the referring court to determine whether, in the Member State concerned, those conditions are met.

⁽¹⁾ OJ C 367, 14.12.2013.