

- b) On the other hand, if, once suitability for particular duties has been determined, periodic appraisals were undertaken to verify that the duties are being performed correctly, with a view to permitting the employees concerned to progress to higher grades and salary levels with the possibility of moving to a different category on the strength of a competitive examination held later, would that be sufficient to redress the balance between the position of 'stabilised' employees and the position of staff members recruited on the basis of a public competitive examination, without it being necessary for length of service to be set at nought and salaries to be set at the starting level in the case of the former group (in the absence, moreover, of any appreciable advantage in favour of the second group under the AEEG rules governing career advancement, as described above), with the result that, in the case under consideration, there would be no objective reasons, of the requisite objectivity and transparency, for derogating from Directive 1999/70/EC that could be applied to the employment conditions in question in the particular context of relevance here?
- 3) Is it, in any event, necessary — as appears to be a legitimate inference from paragraphs 47 and 54 of the order of 7 March 2013 — to recognise that the practice of setting the length of service accrued at nought is disproportionate and discriminatory (with the consequence that it would be necessary to refrain from applying the relevant national legislation) — while continuing to recognise the need to protect the positions of successful candidates in the competitive examinations, without prejudice to the fact that it is for the administrative authority to decide, on the basis of prudent assessment, upon the measures to adopt in this regard (in the form of a 'bonus'; or the right of those who have been recruited on the basis of success in a competitive examination to preferential treatment in the selection procedure for access to higher grades; or by other means within the discretion enjoyed by the national authorities for the organisation of the national public administrative authorities)?

⁽¹⁾ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

**Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 3 April 2014 —
Minister van Buitenlandse Zaken; other parties: K and A**

(Case C-153/14)

(2014/C 194/17)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellant: Minister van Buitenlandse Zaken

Other parties: K, A

Questions referred

- (a) Can the term 'integration measures' — contained in Article 7(2) of ... Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2003 L 251, [p. 12]) ... — be interpreted as meaning that the competent authorities of the Member States may require a member of a sponsor's family to demonstrate that he or she has knowledge of the official language of the Member State concerned at a level corresponding to level A1 of the Common European Framework of Reference for Languages, as well as a basic knowledge of the society of that Member State, before those authorities authorise that family member's entry and residence?
 - (b) Is it relevant to the answer to that question that, also in the context of the proportionality test as described in the European Commission's Green Paper of 15 November 2011 ⁽¹⁾ on the right to family reunification [of third-country nationals living in the European Union], the national legislation containing the requirement referred to in Question 1(a) provides that, leaving aside the case in which the family member has shown that, due to a mental or physical disability, he/she is permanently unable to take the civic integration examination, it is only in the case where there is a combination of very special individual circumstances which justifies the assumption that the family member will be permanently unable to comply with the integration measures that the request for authorisation of entry and residence cannot be rejected?
2. Does the purpose of Directive 2003/86/EC, and in particular Article 7(2) thereof, given the proportionality test as described in the abovementioned Green Paper, preclude costs of EUR 350 per attempt for the examination which assesses whether the family member complies with the aforementioned integration measures, and costs of EUR 110 as a single payment for the pack to prepare for the examination?

⁽¹⁾ COM(2011)735 final.