

Reference for a preliminary ruling by the Tribunal du travail de Bruxelles (17th Chamber), by judgment of that court of 8 September 2004 in the case of *Gérald de Cuyper v Office national de l'emploi*

(Case C-406/04)

(2004/C 284/21)

Reference has been made to the Court of Justice of the European Communities by the Tribunal du travail de Bruxelles (Labour Court, Brussels) (17th Chamber) by judgment of that court of 8 September 2004, in the case of *Gérald de Cuyper v Office national de l'emploi*, received at the Court Registry on 23 September 2004.

The Tribunal de travail de Bruxelles (17th Chamber) has asked the Court to give a preliminary ruling on the following questions:

'Does the obligation actually to reside in Belgium, which under Article 66 of the Royal Decree of 25 November 1991 regulating unemployment is a condition for the award of benefits, applied to an unemployed person aged over 50 who enjoys an exemption under Article 89 of that Royal Decree from the requirement to sign on which entails dispensation from the requirement to be available for work, amount to a fetter on the freedom of movement and residence of all European citizens under Articles 17 and 18 of the Treaty establishing the European Community?

Does the obligation of residence in the State competent to award unemployment benefits, justified in domestic law by the needs of monitoring compliance with the statutory requirements for the payment of benefits to unemployed persons, satisfy the requirement of proportionality which must be observed in the pursuit of that objective of general interest in that it constitutes a limitation on the freedom of movement and residence of all European citizens under Articles 17 and 18 of the Treaty establishing the European Community?

Does that residence requirement not have the effect of discriminating between European citizens who are nationals of a Member State competent to award unemployment benefits by affording that entitlement to those who do not exercise the right to freedom of movement and residence of all European citizens under Articles 17 and 18 of the Treaty, whilst denying it to those who do seek to exercise that right, by the deterrent effect which that restriction entails?

Reference for a preliminary ruling by the Hoge Raad der Nederlanden by order of that court of 24 September 2004 in the case of *Staatssecretaris van Financiën against Stichting Kinderopvang Enschede*

(Case C-415/04)

(2004/C 284/22)

Reference has been made to the Court of Justice of the European Communities by order of the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) of 24 September 2004, received at the Court Registry on 29 September 2004, for a preliminary ruling in the case of *Staatssecretaris van Financiën against Stichting Kinderopvang Enschede* on the following question:

Must Article 13.A(1)(g), (h) and (i) of the Sixth Directive ⁽¹⁾ be construed as meaning that the service provided as described above, consisting in intermediary activities in connection with the care of children under school age and of schoolchildren outside of school hours in the homes of host parents, falls to be regarded as a service covered by one or more of those provisions?

⁽¹⁾ OJ L 145 of 13.6.1977, p. 1.

Reference for a preliminary ruling by the Cour d'Appel de Poitiers (2ème Chambre Civile) by order of that court of 21 September 2004 in the case of *Conseil Général de la Vienne against Directeur Général des Douanes et Droits Indirects*

(Case C-419/04)

(2004/C 284/23)

Reference has been made to the Court of Justice of the European Communities by order of the Cour d'Appel de Poitiers (2ème Chambre Civile) (Court of Appeal, Poitiers, France – 2nd Civil Chamber) of 21 September 2004 received at the Court Registry on 30 September 2004, for a preliminary ruling in the case of *Conseil Général de la Vienne against Directeur Général des Douanes et Droits Indirects* on the following question: