

**Reference for a preliminary ruling from the Court of Appeal (Ireland) made on 8 August 2016 —  
Florea Gusa v Minister for Social Protection, Attorney General**

(Case C-442/16)

(2016/C 383/07)

*Language of the case: English*

**Referring court**

Court of Appeal

**Parties to the main proceedings**

*Applicant:* Florea Gusa

*Defendants:* Minister for Social Protection, Attorney General

**Questions referred**

1. Does an EU citizen who (1) is a national of another Member State; (2) has lawfully resided in and worked as a self-employed person in a host Member State for approximately four years; (3) has ceased his work or economic activity by reason of absence of work and (4) has registered as a jobseeker with the relevant employment office retain the status of self-employed person pursuant to Article 7(1)(a) whether pursuant to Article 7(3)(b) of Directive 2004/38/EC <sup>(1)</sup> or otherwise.
2. If not, does he retain the right to reside in the host Member State not having satisfied the criteria in Article 7(1) (b) or (c) of Directive 2004/38/EC or is he only protected from expulsion pursuant to Article 14(4) (b) of Directive 2004/38/EC.
3. If not, in relation to such a person is a refusal of a jobseeker's allowance (which is a non-contributory special benefit within the meaning of Article 70 of Regulation 883/2004/EC <sup>(2)</sup>) by reason of a failure to establish a right to reside in the host Member State compatible with EU law, and in particular Article 4 of Regulation 883/2004/EC.

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<sup>(1)</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC OJ 2004 L 158, p. 77

<sup>(2)</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems OJ 2004L 166, p. 1

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**Reference for a preliminary ruling from the Supreme Court of the United Kingdom (United Kingdom) made on 12 August 2016 — MB v Secretary of State for Work and Pensions**

(Case C-451/16)

(2016/C 383/08)

*Language of the case: English*

**Referring court**

Supreme Court of the United Kingdom

**Parties to the main proceedings**

*Applicant:* MB

*Defendant:* Secretary of State for Work and Pensions