

Reference for a preliminary ruling from the Centrale Raad van Beroep lodged on 22 March 2007 — Jacqueline Förster v IB-Groep

(Case C-158/07)

(2007/C 117/29)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicant: Jacqueline Förster

Defendant: IB-Groep

Questions referred

1. Does Article 7 of Regulation (EEC) No 1251/70 ⁽¹⁾ also apply to students who came to the Netherlands principally to study and initially worked as employed persons on a limited scale while continuing to study, but have meanwhile ceased to work?
2. Does Directive 93/96 ⁽²⁾ preclude students as referred to in Question 1 from successfully relying on Article 12 EC to claim full study finance?
3. (a) Does the rule that citizens of the Union who are not economically active can rely on Article 12 EC only if they have resided lawfully in the host Member State for a certain period or are in possession of a residence permit also apply to assistance to cover the maintenance costs of students?
 - (b) If so, is it permissible to impose during that period a residence duration requirement only on nationals of Member States other than the host Member State?
 - (c) If so, is the application of a five-year residence duration requirement consistent with Article 12 EC?
 - (d) If not, what residence duration may be required?
4. Should a shorter period of lawful residence be required in individual cases if factors other than the duration of residence indicate a substantial degree of integration into the society of the host Member State?

5. If, as is evident from a judgment of the Court of Justice with retroactive effect, persons are able to derive from Article 12 EC more rights than was previously assumed, may justified requirements connected therewith be imposed in respect of periods in the past if those requirements were published shortly after the publication of the judgment?

⁽¹⁾ Commission Regulation (EEC) No 1251/70 of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State (OJ, English Special Edition, 1970 (II), p. 402).

⁽²⁾ Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students (OJ 1993 L 317, p. 59).

Action brought on 22 March 2007 — Commission of the European Communities v Portuguese Republic

(Case C-159/07)

(2007/C 117/30)

Language of the case: Portuguese

Parties

Applicant: Commission of the European Communities (represented by: K. Simonsson and P. Andrade, acting as Agents)

Defendant: Portuguese Republic

Form of order sought

- A declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/23/EC ⁽¹⁾ of 8 March 2005 amending Directive 2001/25/EC of the European Parliament and of the Council on the minimum level of training of seafarers or, in any event, by failing to communicate them to the Commission, the Portuguese Republic has failed to fulfil its obligations under that directive;
- an order that the Portuguese Republic should pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of the directive into domestic law expired on 29 September 2005.

⁽¹⁾ OJ 2005 L 62, p. 14.