

JUDGMENT OF THE COURT
16 NOVEMBER 1972¹

Helmut Heinze
v Landesversicherungsanstalt Rheinprovinz
(Reference for a preliminary ruling
by the Bundessozialgericht)

'Tuberculosis benefits'

Case 14/72

Summary

1. *Preliminary rulings — Effects of a national law in relation to Community law — Powers of the Court — Limits*
(EEC Treaty, Article 177)
2. *Social security for migrant workers — Application to national legislative systems — Extension to prophylactic and remedial measures*
(Regulation No 3 of the Council, Article 2 (1))
3. *Social security for migrant workers — Sickness benefits — Concept — Acquisition of the right by aggregation of the insurance periods completed*
(Regulation No 3 of the Council, Article 2, Article 16)

1. The Court has power to provide the national court with factors of interpretation depending on Community law which might be useful to it in evaluating the effects of a provision of national law.

2. Article 2(1) of Regulation No 3 also refers to prophylactic or remedial measures.

3. The social security benefits which, although not related to the 'earning

capacity' of the insured person, are also awarded to the member of his family and are principally intended to aid the recovery of the invalid and to protect those who are in contact with him must be regarded as sickness benefits within the meaning of Article 2(1)(a) of Regulation No 3. For the purposes of acquiring a right to such benefits, the aggregation of the affiliation periods completed in the various Member States is governed by Article 16 *et seq.* of Regulation No 3.

In Case 14/72

Reference to the Court under Article 177 of the EEC Treaty by the IVth Senate

1 — Language of the Case: German.