

JUDGMENT OF THE COURT
11 APRIL 1973 ¹

Michel S.
v Fonds national de reclassement social des handicapés
(preliminary ruling requested by
Tribunal du Travail, of Brussels)

'Freedom of movement for workers'

Case 76/72

1. *Preliminary Questions — Jurisdiction of the Court — Limits*
(Art. 177 EEC Treaty)

2. *Handicapped workers — Attitude for employment — Recuperation — Benefits applying under Community rules — Meaning — Measures provided by national legislation — Application of Articles 7 and 12 of Regulation 1612/68*

1. The Court, acting within the framework of Article 177, has no jurisdiction to apply the Community rule to a specific case, nor, consequently, to pronounce on a provision of national law with regard to such rule. It can however provide a national court with the factors of interpretation depending on Community law which could be useful to it in evaluating the effects of such provision (Art. 177 EEC Treaty).

2. The provisions of Article 7 of Regulation (EEC) No 1612/68 of the Council, of 15 October 1968 (OJ L 257 of 19 October 1968, p. 2) extend to measures provided by national legislation with a view to allowing handicapped workers to regain their ability to work. However, the benefits referred to by the said Article are those which, being con-

nected with employment, are to benefit the workers themselves. Benefits reserved for the members of their families on the other hand are excluded from the application of Article 7.

Article 12 of Regulation (EEC) No 1612/68 embraces the measures provided by national legislation which allow the handicapped to realize or improve their aptitude for work and thus it has among its objects the guidance, training and vocational rehabilitation and retraining of the said handicapped.

The application of the above-mentioned Articles 7 and 12 to such national legislation is not excluded by the fact that such legislation refers to the handicapped as a whole and not only those who have the position of workers or the children of workers.

¹ — Language of the Case: French.