

JUDGMENT OF THE COURT
23 MARCH 1982 ¹

D. M. Levin
v Staatssecretaris van Justitie
(reference for a preliminary ruling
from the Netherlands Raad van State)

(Right of residence)

Case 53/81

1. *Free movement of persons — Worker — Activity as an employed person — Concepts — Restrictive interpretation — Not possible*
(EEC Treaty, Art. 48)
2. *Free movement of persons — Worker — Concept — Effective and genuine pursuit of activity as an employed person — Income less than the minimum legal wage — Immaterial*
(EEC Treaty, Art. 48)
3. *Free movement of persons — Worker — Motives prompting search for employment in another Member State — Of no account as regards right to enter and reside*
(EEC Treaty, Art. 48)

1. The concepts of "worker" and "activity as an employed person" define the field of application of one of the fundamental freedoms guaranteed by the Treaty and, as such, may not be interpreted restrictively.
2. The provisions of Community law relating to freedom of movement for

workers also cover a national of a Member State who pursues, within the territory of another Member State, an activity as an employed person which yields an income lower than that which, in the latter State, is considered as the minimum required for subsistence, whether that person supplements the income from his activity as an employed person with other income so as to arrive at that

¹ — Language of the Case. Dutch

minimum or is satisfied with means of support lower than the said minimum, provided that he pursues an activity as an employed person which is effective and genuine.

3. The motives which may have prompted a worker of a Member

State to seek employment in another Member State are of no account as regards his right to enter and reside in the territory of the latter State provided that he there pursues or wishes to pursue an effective and genuine activity.

In Case 53/81

REFERENCE to the Court under Article 177 of the EEC Treaty by the Judicial Division of the Netherlands Raad van State [State Council] for a preliminary ruling in the case pending before that court between

D. M. LEVIN, Amsterdam,

and

STAATSSECRETARIS VAN JUSTITIE [Secretary of State for Justice]

on the interpretation of Article 48 of the EEC Treaty and of certain provisions of Community directives and regulations on the free movement of persons within the Community,

THE COURT

composed of: J. Mertens de Wilmars, President, G. Bosco, A. Touffait and O. Due (Presidents of Chambers), P. Pescatore, Lord Mackenzie Stuart, A. O'Keefe, T. Koopmans, U. Everling, A. Chloros and F. Grévisse, Judges.

Advocate General: Sir Gordon Slynn
Registrar: A. Van Houtte

gives the following