

**Parties to the main proceedings**

*Applicant:* Secretary of State for Work and Pensions

*Defendant:* Tolley (deceased, acting by her personal representative)

**Questions referred**

1. Is the care component of the United Kingdom's Disability Living Allowance properly classified as an invalidity rather than a cash sickness benefit for the purpose of Regulation No 1408/71 <sup>(1)</sup>?
2. (i) Does a person who ceases to be entitled to UK Disability Living Allowance as a matter of UK domestic law, because she has moved to live in another member state, and who has ceased all occupational activity before such move, but remains insured against old age under the UK social security system, cease to be subject to the legislation of the UK for the purpose of article 13(2)(f) of Regulation No 1408/71?  
  
(ii) Does such a person in any event remain subject to the legislation of the UK in the light of Point 19(c) of the United Kingdom's annex VI to the Regulation?  
  
(iii) If she has ceased to be subject to the legislation of the UK within the meaning of article 13(2)(f), is the UK obliged or merely permitted by virtue of Point 20 of annex VI to apply the provisions of Chapter 1 of Title III to the Regulation to her?
3. (i) Does the broad definition of an employed person in *Dodl* apply for the purposes of articles 19 to 22 of the Regulation, where the person has ceased all occupational activity before moving to another member state, notwithstanding the distinction drawn in Chapter 1 of Title III between, on the one hand, employed and self-employed persons and, on the other hand, unemployed persons?  
  
(ii) If it does apply, is such a person entitled to export the benefit by virtue of either article 9 or article 22? Does article 22(1)(b) operate to prevent a claimant's entitlement to the care component of DLA being defeated by a residence requirement imposed by national legislation on a transfer of residence to another member state?

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<sup>(1)</sup> Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community OJ L 149, p. 2

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**Order of the President of the First Chamber of the Court of 11 June 2015 (request for a preliminary ruling from the Eparkhiako Dikastirio Lefkosias — Cyprus) — Bogdan Chain v Atlanco LTD**

(Case C-189/14) <sup>(1)</sup>

(2015/C 320/33)

*Language of the case: Greek*

The President of the First Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 202, 30.6.2014.

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