

(Federal Social Court) of 30 October 2002, received at the Court Registry on 13 December 2002, for a preliminary ruling in the case of Karin Bautz against AOK (Allgemeine Ortskrankenkasse — General Local Health Insurance Fund) Baden-Württemberg on the following questions:

1. Is it compatible with the provisions of Articles 49 and 50 EC for a Member State which has organised its sickness insurance system in accordance with the principle of benefits in kind, and which provides outpatient medical care through authorised medical practitioners, to permit the reimbursement of the cost of consulting unauthorised medical practitioners — also where treatment is provided in another Member State — only if treatment corresponding to the generally accepted state of medical knowledge is not available under the system of benefits in kind?
2. If this is deemed to be an inadmissible impediment to the freedom to provide services, do the aforementioned provisions of the EC Treaty permit German law to make the reimbursement of the cost of privately obtained medical services conditional — except in emergencies — on a prior application being made for a decision by the sickness insurance fund as to entitlement to extra-contractual treatment?

Reference for a preliminary ruling by the Bundesfinanzhof by order of that Court of 6 November 2002 in the case of Finanzamt Herne-West against Savvas Akritidis

(Case C-462/02)

(2003/C 70/04)

Reference has been made to the Court of Justice of the European Communities by order of the Bundesfinanzhof (Federal Finance Court) of 6 November 2002, received at the Court Registry on 23 December 2002, for a preliminary ruling in the case of Finanzamt Herne-West against Savvas Akritidis on the following questions:

1. Does Article 13B(f) of Directive 77/388/EEC⁽¹⁾ prohibit a Member State from making the organisation of a card game subject to value added tax solely if the organisation of a card game by a licensed public casino is exempt, or must card games organised outside casinos also be comparable for that purpose in essential respects, for example as regards the game rules, the maximum stake and the maximum winnings, with card games in the casinos?

2. Is the installer of the machine permitted to rely on the exemption laid down in Article 13B(f) of Directive 77/388/EEC?

⁽¹⁾ OJ L 145 of 13.06.1977, p. 1.

Reference for a preliminary ruling by the Verwaltungsgericht Stuttgart by order of that Court of 19 December 2002 in the administrative-law proceedings between Inan Cetinkaya and Land Baden-Württemberg

(Case C-467/02)

(2003/C 70/05)

Reference has been made to the Court of Justice of the European Communities by order of the Verwaltungsgericht Stuttgart (Administrative Court) of 19 December 2002, received at the Court Registry on 27 December 2002, for a preliminary ruling in the administrative-law proceedings between Inan Cetinkaya and Land Baden-Württemberg on the following questions:

1. Does a child born in Germany to a Turkish worker who belongs to the regular labour force fall within the scope of Article 7(1) of Decision No 1/80 of the EEC-Turkey Association Council of 19 September 1980 on the development of the Association ('Decision No 1/80') where from his birth to at least the time he attained the age of majority his residence was permitted initially solely for the reason of family unity or, where his residence permit was temporary, was not terminated solely for that reason?
2. Is Article 14 of Decision No 1/80 the only basis upon which the right of a family member to access to the employment market and to an extension of residence under the second indent of Article 7(1) may be limited?
3. Does the imposition of three years' juvenile sentence constitute the definitive removal of the person concerned from the labour force such that he loses his rights under the second indent of Article 7(1) even if there is a real possibility that only part of the sentence will require to be served, albeit that if released early on licence the person will be required to submit to treatment for drug abuse and during the period of that treatment will not be available for employment on the market?
4. Where it results from a short period of imprisonment which is not suspended for probation, does the loss of a job or, where the person concerned is unemployed, the impossibility of applying for a job constitute voluntary unemployment within the meaning of the second sentence of Article 6(2) of Decision No 1/80 and therefore not prevent the loss of the rights conferred by Article 6(1) and Article 7(1) of Decision No 1/80?