

Reference for a preliminary ruling from the Verwaltungsgericht Aachen by order of that court of 29 December 2004, in the case of Hasan Güzeli against Oberbürgermeister der Stadt Aachen

(Case C-4/05)

(2005/C 57/37)

(Language of the case: German)

Reference has been made to the Court of Justice of the European Communities by order of the Verwaltungsgericht Aachen (Germany) of 29 December 2004 received at the Court Registry on 6 January 2005, for a preliminary ruling in the case of Hasan Güzeli against Oberbürgermeister der Stadt Aachen (Mayor of the town of Aachen) on the following questions:

1. Does the prohibition of discrimination in Article 10(1) of Decision No 1/80 preclude a Member State from refusing to allow a Turkish worker in the position of the claimant, who was duly registered as belonging to the labour force of the Member State and had a right of unlimited duration in relation to employment on the date of expiry of the national residence permit originally granted to him, to continue to reside there for the duration of his employment?

Is it material in this context whether the work permit granted to the Turkish migrant worker

— was granted under national law without any time-limit

— was granted under national law subject to the continuation of the original residence permit but does not automatically expire when residence authorisation comes to an end and remains valid until such time as the alien is no longer entitled to stay in the Member State on even a temporary basis?

2. Is the Member State permitted, having regard to Article 10(1) of Decision No 1/80, to refuse to allow a Turkish worker residence if the latter is employed as a seasonal worker after the expiry date of the latest residence permit granted to him – that is to say, if he does not work in the periods between employment?

3. Does a change in the legal form of national law governing permission to work that takes place after the expiry date of the original residence permit have any effect on the prohibition on refusal of further residence consequent on Article 10(1) of Decision No 1/80?

Removal from the register of Case C-11/03 ⁽¹⁾

(2005/C 57/38)

(Language of the case: Dutch)

By order of 25 October 2004 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-11/03 (reference for a preliminary ruling from the Raad van State): *Boss Pharma NV v Belgische Staat*.

⁽¹⁾ OJ C 55 of 08.03.2003.

Removal from the register of Case C-10/04 ⁽¹⁾

(2005/C 57/39)

(Language of the case: German)

By order of 1 December 2004 the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-10/04: *Commission of the European Communities v Republic of Austria*.

⁽¹⁾ OJ C 47 of 21.02.2004.