

Operative part of the judgment

The Court hereby orders:

The combined provisions of Articles 1(2) and 8(2) and (4) of Council Directive 91/439/EEC of 29 July 1991 on driving licences, as amended by Council Directive 97/26/EC of 2 June 1997, preclude a Member State from refusing to recognise, on its territory, the right to drive resulting from a driving licence issued in another Member State and, accordingly, the validity of that licence so long as the holder of that licence, whose previous licence in the territory of the first Member State was withdrawn without a measure prohibiting the holder from obtaining a new licence, has not complied with the conditions required under the laws of that first Member State for the issuance of a new licence following that withdrawal, including an examination of aptitude to drive attesting that the grounds for that withdrawal are no longer present.

(¹) OJ C 296, 26.11.2005.

**Order of the Court (Fifth Chamber) of 6 October 2006
(reference for a preliminary ruling from the Hof van beroep te Antwerpen — Belgium) — Lucien de Graaf,
Gudula Daniels v Belgian State**

(Case C-436/05) (¹)

(Preliminary references — Inadmissibility)

(2006/C 326/47)

Language of the case: Dutch

Referring court

Hof van beroep te Antwerpen

Parties

Applicants: Lucien de Graaf, Gudula Daniels

Defendant: Belgian State

Re:

Reference for a preliminary ruling — Hof van beroep te Antwerpen — Interpretation of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996 (OJ 1997 L 28, p. 1) — Material scope — Whether applicable or not to a supplementary crisis contribution levied by a Member State to finance its social security

system — Obligation to pay the contribution even where a person is liable to pay contributions to a social security system other than that of the State of residence — Whether compatible with Article 39 EC

Operative part of the order

The reference for a preliminary ruling from the Hof van beroep te Antwerpen, by decision of 29 November 2005, is inadmissible.

(¹) OJ C 36 of 11.2.2006.

**Reference for a preliminary ruling from the Sozialgericht
Berlin lodged on 24 February 2006 — Irene Werich v
Deutsche Rentenversicherung Bund**

(Case C-111/06)

(2006/C 326/48)

Language of the case: German

Referring court

Sozialgericht Berlin

Parties to the main proceedings

Applicant: Irene Werich

Defendant: Deutsche Rentenversicherung Bund

Question referred

Is the provision in point (1) of Annex VI. D. (formerly C.) Germany to Regulation (EEC) No 1408/71 (¹) on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (Regulation No 1408/71) compatible with higher-ranking European law, in particular the principle of freedom of movement and the principle of the exportability of benefits under Article 42 of the Treaty establishing the European Community (EC Treaty), inasmuch as it also rules out pension benefits in respect of contribution periods for which compulsory contributions were paid under the insurance legislation of the German Reich?

(¹) OJ English Special Edition, Series I Chapter 1971(II) p. 416.