

Joined Cases C-64/96 and C-65/96

Land Nordrhein-Westfalen

v

Kari Uecker

and

Vera Jacquet

v

Land Nordrhein-Westfalen

(References for a preliminary ruling
from the Landesarbeitsgericht Hamm)

(Freedom of movement for workers — Right of a spouse of a Community
national who has the nationality of a non-member country to be employed —
Situation purely internal to a Member State)

Opinion of Advocate General Fennelly delivered on 6 February 1997 I - 3173
Judgment of the Court (Third Chamber), 5 June 1997 I - 3182

Summary of the Judgment

*Freedom of movement for persons — Workers — Right of family members to take up salaried
employment — Community rules — Not applicable in a situation purely internal to a Member
State — National of a non-member country married to a national of a Member State never hav-
ing exercised the right to freedom of movement
(Council Regulation No 1612/68, Art. 11)*

The Treaty rules governing freedom of movement for workers and regulations adopted to implement them cannot be applied to cases which have no factor linking them with any of the situations governed by Community law and all elements of which are purely internal to a single Member State.

A national of a non-member country married to a worker having the nationality of a Member State cannot, therefore, rely on the right conferred by Article 11 of Regulation No 1612/68 on freedom of movement for workers within the Community when that worker has never exercised the right to freedom of movement within the Community.