JUDGMENT OF THE COURT
22 February 1990 *

In Case C-12/89

REFERENCE to the Court under Article 177 of the EEC Treaty by the Bundessozialgericht for a preliminary ruling in the proceedings pending before that court between

Antonio Gatto, residing in Radolfzell (Federal Republic of Germany),

and

Bundesanstalt für Arbeit (Federal Employment Office), Nuremberg (Federal Republic of Germany),

on the interpretation of Article 74(1) of 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, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 (Official Journal 1983, L 230, p. 6, Annex I),

THE COURT

composed of: O. Due, President, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G. F. Mancini, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: German.

ruling on a question referred to it by the Bundessozialgericht by order of 22 November 1988, hereby rules:

Article 74 of 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 must be interpreted as meaning that where the legislation of a Member State which provides certain family benefits requires, as a condition for the grant of those benefits, that a member of the worker's family must be registered as unemployed with the employment office for the territory in which that legislation applies, that condition must be considered to be fulfilled where the family member is registered as unemployed with the employment office of the Member State in which he resides.