Case 145/84

H. J. E. Cochet
v
Bestuur van de Bedrijfsvereniging voor de gezondheid, geestelijke en maatschappelijke belangen

(reference for a preliminary ruling
from the Raad van Beroep, Amsterdam)

'Preliminary ruling — Regulation No 1408/71 — Unemployment benefits'

Summary

Social security for migrant workers — Unemployment — Unemployed person going to another Member State — Retention of entitlement to benefits — Wholly unemployed frontier worker settling in the territory of the competent Member State — Application of Article 69 of Regulation No 1408/71 — None

(Regulation No 1408/71 of the Council, Art. 69)

Article 69 of Regulation No 1408/71 is not applicable to a wholly unemployed frontier worker who, on the termination of his last employment, settles in the territory of the competent Member State, that is to say the Member State in which he was last employed.

OPINION OF MR ADVOCATE GENERAL LENZ
delivered on 31 January 1985 *

Mr President,
Members of the Court,

The representative of the Commission has already stated that he sees no need to submit detailed observations in this case in view of the clear and simple facts, the clarity of the legal question at issue and the fact that the submissions of the plaintiff in the main proceedings, of the Commission

* Translated from the German.

and of the Netherlands Government are in agreement.

Like the representative of the Commission, I consider the submissions of the Netherlands Government to be of great importance because, at first sight, its interests should in fact have led the Netherlands Government to support the defendant. The fact that it has not done so is a further indication of the clarity of the legal position.

This case concerns the claims which a Netherlands national, who now resides in the Netherlands and who was last in employment in the Netherlands, is making against a Netherlands social security institution.

All the parties appearing before the court correctly concluded that Section 2 of Chapter 6 of Title III of Regulation No 1408/71, and in particular Article 69 thereof, is not applicable in this case.

For the aforementioned reasons I therefore join with the Commission in proposing that the Court should declare that Section 2 of Chapter 6 of Title III of Regulation No 1408/71, and in particular Article 69 thereof, is not applicable to a wholly unemployed frontier worker who, on the termination of his last employment, settles in the territory of the competent Member State, that is to say the State in which he was last employed.