Order of the Court (Fourth Chamber) of 2 May 2006 — Schmitz

(Case C-291/04)

First subparagraph of Article 104(3) of the Rules of Procedure — Free movement of persons and services — Workers — Motor vehicle — Provided to worker by employer — Vehicle registered abroad — Employer established in another Member State

Freedom of movement for persons — Freedom of establishment — Restrictions (Art. 43 EC) (see paras 15-20 and operative part)

Re:

Reference for a preliminary ruling — Tribunal de police de Neufchâteau — Interpretation of Arts 10, 39, 43 and 49 EC — National measure requiring a motor vehicle to be registered in that Member State if it is to be used by a resident even if it has been provided to that resident by the latter's employer, established in another Member State — Worker bound to his employer by an employment contract and simultaneously performing the functions of shareholder, administrator and person responsible for day-to-day management, or an equivalent function.

Operative part

Article 43 EC precludes national legislation of one Member State, such as the legislation at issue in the main proceedings, which obliges a self-employed person residing in that Member State to register a company vehicle provided to him by the company which employs him and which is established in another Member State, when the company vehicle is neither actually intended to be used permanently in the first Member State nor is in fact used in that way.