

Operative part of the judgment

The Court:

1. Dismisses the appeal.
2. Orders Technische Glaswerke Ilmenau GmbH, in addition to bearing its own costs, to pay the total costs of the Commission of the European Communities related to the interlocutory proceedings and to these proceedings.
3. Orders Technische Glaswerke Ilmenau GmbH to pay the costs incurred by Schott AG in the interlocutory proceedings.
4. Orders Schott AG to bear its own costs related to these proceedings.

(¹) OJ C 273, 6.11.2004.

**Judgment of the Court (Grand Chamber) of 9 January 2007
(reference for a preliminary ruling from the Länssrätten i
Stockholms län — Migrationsdomstolen) — Yunying Jia v
Migrationsverket**

(Case C-1/05) (¹)

(Freedom of establishment — Article 43 EC — Directive 73/148/EEC — National of one Member State established in another Member State — Right to residence of a spouse's parent, the spouse and the parent being nationals of a non-Member country — Requirement that the parent be lawfully resident in a Member State when joining his family in the Member State of establishment — Evidence required to show that the parent is a dependant)

(2007/C 42/04)

Language of the case: Swedish

Referring court

Länssrätten i Stockholms län — Migrationsdomstolen

Parties to the main proceedings

Applicant: Yunying Jia

Defendant: Migrationsverket

Re:

Reference for a preliminary ruling — Utlänningsnämnden (Alien Appeals Board) (Sweden) — Interpretation of Article 43 EC, Article 10 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, p. 2) and Articles 1(d) and 6(b) of Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (OJ L 172, p. 14) — Right

to residence of a parent of a spouse, both holding the nationality of a non-Member State, of a national of a Member State resident in another Member State who is dependent on that citizen — Requirement for that parent to reside lawfully in a Member State when joining his family — Evidence required to show that the parent is a dependent

Operative part of the judgment

1. Having regard to the judgment in Case C-109/01 Akrich [2003] ECR I-9607, Community law does not require Member States to make the grant of a residence permit to nationals of a non-Member State, who are members of the family of a Community national who has exercised his or her right of free movement, subject to the condition that those family members have previously been residing lawfully in another Member State;
2. Article 1(1)(d) of Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services is to be interpreted to the effect that 'dependent on them' means that members of the family of a Community national established in another Member State within the meaning of Article 43 EC need the material support of that Community national or his or her spouse in order to meet their essential needs in the State of origin of those family members or the State from which they have come at the time when they apply to join that Community national. Article 6(b) of that directive must be interpreted as meaning that proof of the need for material support may be adduced by any appropriate means, while a mere undertaking from the Community national or his or her spouse to support the family members concerned need not be regarded as establishing the existence of the family members' situation of real dependence.

(¹) OJ C 57, 5.3.2005.

**Judgment of the Court (Third Chamber) of 11 January
2007 (reference for a preliminary ruling from the Överklaga-
nämnden för högskolan, Sweden) — Kaj Lyyski v
Umeå universitet**

(Case C-40/05) (¹)

(Freedom of movement for workers — Article 39 CE — Obstacles — Vocational training — Teachers — Refusal to admit to a training course a candidate employed in a school in another Member State)

(2007/C 42/05)

Language of the case: Swedish

Referring court

Överklagandenämnden för högskolan