

JUDGMENT OF THE COURT

15 January 2002

in Case C-55/00 (Reference for a preliminary ruling from the Tribunale ordinario di Roma): Elide Gottardo v Istituto nazionale della previdenza sociale (INPS)⁽¹⁾

(Reference for a preliminary ruling — Articles 12 EC and 39(2) EC — Old-age benefits — Social security convention concluded between the Italian Republic and the Swiss Confederation — Refusal to take account of periods of insurance completed by a French national in Switzerland)

(2002/C 84/34)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-55/00: reference to the Court under Article 234 EC by the Tribunale ordinario di Roma (Italy) for a preliminary ruling in the proceedings pending before that court between Elide Gottardo and Istituto nazionale della previdenza sociale (INPS) on the interpretation of Articles 12 EC and 39(2) EC, the Court, composed of: G.C. Rodríguez Iglesias, President, F. Macken and S. von Bahr (Presidents of Chambers), C. Gulmann, D.A.O. Edward (Rapporteur), A. La Pergola, L. Sevón, M. Wathelet, V. Skouris, J.N. Cunha Rodrigues and C.W.A. Timmermans, Judges, Advocate General: D. Ruiz-Jarabo Colomer, Registrar: L. Hewlett, Administrator, has given a judgment on 15 January 2002, in which it has ruled:

The competent social security authorities of one Member State are required, pursuant to their Community obligations under Article 39 EC, to take account, for purposes of acquiring the right to old-age benefits, of periods of insurance completed in a non-member country by a national of a second Member State in circumstances where, under identical conditions of contribution, those competent authorities will take into account such periods where they have been completed by nationals of the first Member State pursuant to a bilateral international convention concluded between that Member State and the non-member country.

⁽¹⁾ OJ C 122 of 29.4.2000.

JUDGMENT OF THE COURT

(Sixth Chamber)

30 January 2002

in Case C-103/00: Commission of the European Communities v Hellenic Republic⁽¹⁾

(Failure by a Member State to fulfil its obligations — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Protection of species)

(2002/C 84/35)

(Language of the case: Greek)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-103/00, Commission of the European Communities (Agents: R. Wainwright and P. Panayotopoulos) v Hellenic Republic (Agents: A. Samoni-Rantou and P. Skandalou): Application for a declaration that, by failing to adopt or, in the alternative, to notify to the Commission, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos (Greece) so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and under Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7), the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissochet, R. Schintgen and J.N. Cunha Rodrigues, Judges, Advocate General: P. Léger, Registrar: L. Hewlett, Administrator, has given a judgment on 30 January 2002, in which it:

1. Declares that by failing to take, within the prescribed time-limit, the requisite measures to establish and implement an effective system of strict protection for the sea turtle *Caretta caretta* on Zakynthos so as to avoid any disturbance of the species during its breeding period and any activity which might bring about deterioration or destruction of its breeding sites, the Hellenic Republic has failed to fulfil its obligations under Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;