

JUDGMENT OF THE COURT  
OF 12 OCTOBER 1978<sup>1</sup>

**Tayeb Belbouab**  
**v Bundesknappschaft**  
**(preliminary ruling requested**  
**by the Sozialgericht Gelsenkirchen)**

Case 10/78

1. *Social security for migrant workers — Community rules — Persons covered — Nationals of one of the Member States — Date on which the criterion of nationality must be satisfied*  
(Regulation No 1408/71 of the Council, Art. 2 (1))
2. *Social security for migrant workers — Community rules — Entry into force — Insurance periods completed previously — Taking into consideration — Criterion of nationality of one of the Member States*  
(Regulation No 1408/71 of the Council, Arts. 2 (1) and 94 (2))

1. The criterion of nationality of one of the Member States laid down by Article 2 (1) of Regulation No 1408/71 must be examined in direct relationship to the periods during which the worker carried on his work and not to the time when he submitted his application for benefits.
2. Article 2 (1) and Article 94 (2) of Regulation No 1408/71, read in conjunction with one another, are to be interpreted as guaranteeing that all insurance periods and all periods of employment or residence completed under the legislation of a Member State before the entry into force of that regulation shall be taken into consideration for the purpose of determining entitlement to benefits in accordance with its provisions, subject to the condition that the migrant worker was a national of one of the Member States when the periods were completed.

In Case 10/78

REFERENCE to the Court pursuant to Article 177 of the EEC Treaty by the Sozialgericht Gelsenkirchen (Third Chamber) for a preliminary ruling in the proceedings pending before that court between

TAYEB BELBOUAB

<sup>1</sup> — Language of the Case: German