

Case C-248/96

R. O. J. Grahame and L. M. Hollanders

v

Bestuur van de Nieuwe Algemene Bedrijfsvereniging

(Reference for a preliminary ruling
from the Arrondissementsrechtbank, Amsterdam)

(Social security — Incapacity for work — Periods of paid employment
and periods treated as such — Military service — Part J, point 4,
of Annex VI to Regulation (EEC) No 1408/71)

Opinion of Advocate General Cosmas delivered on 17 July 1997 I - 6409
Judgment of the Court (First Chamber), 13 November 1997 I - 6427

Summary of the Judgment

1. *Social security for migrant workers — Invalidity insurance — Calculation of benefits — Special rules for the application of the Netherlands law on insurance against incapacity for work — Periods of paid employment or periods treated as such completed in the Netherlands before 1 July 1967 — Definition — Periods of military service — Included*
(Council Regulation No 1408/71, Annex VI, Part J, point 4(a) and (c), as amended by Regulation No 1248/92)

2. *Social security for migrant workers — Invalidity insurance — Calculation of benefits — Special rules for the application of the Netherlands law on insurance against incapacity for work — Periods of paid employment or periods treated as such completed in the former Netherlands New Guinea — Included*

(Council Regulation No 1408/71, Annex VI, Part J, point 4(a))

1. Part J, point 4(a) of Annex VI to Regulation No 1408/71, as amended and updated by Regulation No 2001/83 and as adapted by Part VIII of Annex I to the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties, and Part J, point 4(c), of Annex VI to that regulation, as amended by Regulation No 1248/92, are to be interpreted as meaning that periods of compulsory or enlisted military service completed with the Netherlands armed forces before 1 July 1967 constitute 'periods of paid work' or of 'paid employment', or 'equivalent periods' or 'periods treated as such', completed in the Netherlands before that date.
2. Periods of military service completed in the former Netherlands New Guinea when it was an overseas territory to which the association arrangements laid down in Part Four of the Treaty applied, must be regarded as having been completed in the Netherlands for the purposes of Part J, point 4(a), of Annex VI to Regulation No 1408/71.