

**Judgment of the Court (Third Chamber) of 15 July 2010 —  
European Commission v Italian Republic**

(Case C-573/08) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 79/409/EEC — Conservation of wild birds — Measures transposing the directive)*

(2010/C 246/03)

Language of the case: Italian

**Parties**

*Applicant:* European Commission (represented by: D. Recchia, Agent)

*Defendant:* Italian Republic (represented by: G. Palmieri and G. Fiengo, Agents)

**Re:**

Failure of a Member State to fulfil obligations — Infringement of Articles 2, 3, 4, 5, 6, 7, 9, 10, 11, 13 and 18 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (OJ 1979 L 103, p. 1) — Incorrect transposition — Derogations — Requirements

**Operative part of the judgment**

*The Court:*

1. Declares that by failing to transpose Council Directive 79/409/EEC of 2 April 1979, on the conservation of wild birds, into Italian law in a manner which is wholly in compliance with that directive, and by failing to transpose Article 9 of that directive in a manner which ensures that the derogations adopted by the competent Italian authorities comply with the conditions and requirements referred to in that article, the Italian Republic has failed to fulfil its obligations under Articles 2 to 7, 9 to 11, 13 and 18 of the directive;
2. orders the Italian Republic to bear the costs, including those linked to the interlocutory proceedings.

<sup>(1)</sup> OJ C 55, 7.3.2009.

**Judgment of the Court (Fourth Chamber) of 29 July 2010  
(reference for a preliminary ruling from the Arbeidshof te Antwerpen — Belgium) — Rijkdienst voor Pensioenen v Elisabeth Brouwer**

(Case C-577/08) <sup>(1)</sup>

*(Equal treatment for men and women in matters of social security — Directive 79/7/EEC — Frontier workers — Calculation of pensions)*

(2010/C 246/04)

Language of the case: Dutch

**Referring court**

Arbeidshof te Antwerpen

**Parties to the main proceedings**

*Applicant:* Rijkdienst voor Pensioenen

*Defendant:* Elisabeth Brouwer

**Re:**

Reference for a preliminary ruling — Arbeidshof te Antwerpen — Interpretation of Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security (OJ 1979 L 6, p. 24) — National legislation providing for notional and flat-rate daily wages that are lower for women than for men when calculating retirement pensions for salaried frontier workers

**Operative part of the judgment**

Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, precludes national legislation under which, for the years 1984 to 1994, the calculation of old-age and retirement pensions for female frontier workers, concerning equal work or work of equal value, was based on notional and/or flat-rate daily wages lower than those for male frontier workers.

<sup>(1)</sup> OJ C 55, 7.3.2009.