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(Information)

COURT OF JUSTICE

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JUDGMENT OF THE COURT

of 9 November 1995

in Case C-479/93 (reference for a preliminary ruling from the Pretura Circondariale di Vicenza): **Andrea Francovich v. Repubblica Italiana** ⁽¹⁾

(Social policy — Protection of employees in the event of the insolvency of their employer — Directive 80/987/EEC — Scope — Employees whose employer is not subject to procedures to satisfy collectively the claims of creditors)

(96/C 31/01)

(Language of the case: Italian)

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

In Case C-479/93: reference to the Court under Article 177 of the EC Treaty from the Pretura Circondariale di Vicenza (District Magistrate's Court, Vicenza), Italy, for a preliminary ruling in the proceedings pending before that court between Andrea Francovich and Repubblica Italiana — on the interpretation and validity of Article 2 of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer (OJ 1980 No L 283, p. 23) — the Court, composed of G. C. Rodríguez Iglesias, President, C. N. Kakouris, J.-P. Puissochet and G. Hirsch (Presidents of Chambers), G. F. Mancini, F. A. Schockweiler, J. C. Moitinho de Almeida, P. J. G. Kapteyn, C. Gulmann (Rapporteur), P. Jann and H. Ragnemalm, Judges; G. Cosmas, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, gave a judgment on 9 November 1995, the operative part of which is as follows:

1. *Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer must be interpreted as*

applying to all employees, other than those in the categories listed in the Annex thereto, whose employers may, under the applicable national law, be made subject to proceedings involving their assets in order to satisfy collectively the claims of creditors.

2. *Consideration of the said Directive, to the extent that it protects only employees whose employers are subject to proceedings involving their assets in order to satisfy collectively the claims of creditors, has disclosed no factor of such a kind as to affect its validity in the light of the principle of equal treatment.*

⁽¹⁾ OJ No C 43, 12. 2. 1994.

JUDGMENT OF THE COURT

of 14 November 1995

in Case C-484/93 (reference for a preliminary ruling by the Luxembourg Conseil d'Etat): **Peter Svensson, Lena Svensson v. Ministre du Logement et de l'Urbanisme** ⁽¹⁾

(Free movement of capital — Freedom to provide services — Interest rate subsidy on building loans — Loan by a credit institution not approved in the Member State granting the subsidy)

(96/C 31/02)

(Language of the case: French)

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

In Case C-484/93: reference to the Court under Article 177 of the EC Treaty by the Luxembourg Conseil d'Etat for a preliminary ruling in the proceedings pending before that court between Peter Svensson, Lena Gustavsson and the Ministre du Logement et de l'Urbanisme — on the

interpretation of Articles 67 and 71 of the EC Treaty — the Court, composed of G. C. Rodríguez Iglesias, President, D. A. O. Edward and G. Hirsch (Presidents of Chambers), G. F. Mancini, F. A. Schockweiler, J. C. Moitinho de Almeida (Rapporteur), C. Gulmann, J. L. Murray, P. Jann, H. Ragnemalm and L. Sevón, Judges; Advocate General; M. B. Elmer, Registrar; D. Louterman-Hubeau, Principal Administrator, gave a judgment on 14 November 1995, the operative part of which is as follows:

It is not compatible with Articles 59 and 67 of the EC Treaty for a Member State to make the grant of a housing benefit, in particular an interest rate subsidy, subject to the requirement that the loans intended to finance the construction, acquisition or improvement of the housing which is to benefit from the subsidy have been obtained from a credit institution approved in that Member State, which implies that it must be established there.

(¹) OJ No C 43, 12. 2. 1994.

JUDGMENT OF THE COURT of 16 November 1995

in Case C-244/94 (reference for a preliminary ruling from the French Conseil d'Etat): *Fédération Française des Sociétés d'Assurance v. Ministry of Agriculture and Fisheries* (¹)

(Article 85 et seq. of the EC Treaty — Concept of an 'undertaking' — Organization managing an optional supplementary social security scheme)
(96/C 31/03)

(Language of the case: French)

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

In Case C-244/94: reference to the Court under Article 177 of the EC Treaty by the French Conseil d'Etat for a preliminary ruling in the proceedings pending before that court between Fédération Française des Sociétés d'Assurance, Société Paternelle-Vie, Union des Assurances de Paris-Vie, Caisse d'Assurance et de Prévoyance Mutuelle des Agriculteurs on the one hand, and Ministry of Agriculture and Fisheries on the other, on the interpretation of Article 85 et seq. of the EC Treaty — the Court, composed of G. C. Rodríguez Iglesias, President, C. N. Kakouris and D. A. O. Edward (Presidents of Chambers), G. F. Mancini, J. C. Moitinho de Almeida (Rapporteur), P. J. G. Kapteyn, C. Gulmann, J. L. Murray, P. Jann, H. Ragnemalm and L. Sevón, Judges; Advocate General: G. Tesaro, Registrar; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 16 November 1995, the operative part of which is as follows:

A non-profit-making organization which manages an old-age insurance scheme intended to supplement a basic

compulsory scheme, established by law as an optional scheme and operating according to the principle of capitalization in keeping with the rules laid down by the authorities in particular with regard to conditions for membership, contributions and benefits, is an undertaking within the meaning of Article 85 et seq. of the EC Treaty.

(¹) OJ No C 304, 29. 10. 1994.

JUDGMENT OF THE COURT of 22 November 1995

in Case C-443/93 (reference for a preliminary ruling from the Elengtiko Sinedrio): *Ioannis Vougioukas v. Idrima Koinonikon Asphalisseon (IKA)* (¹)

(Interpretation and validity of Article 4 (4) of Regulation (EEC) No 1408/71 and interpretation of Articles 48 and 51 of the Treaty — Special schemes for civil servants — Greek doctor employed in a German hospital)

(96/C 31/04)

(Language of the case: Greek)

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

In Case C-443/93: reference to the Court under Article 177 of the EC Treaty from the Elengtiko Sinedrio (Court of Auditors) (Greece) for a preliminary ruling in the proceedings pending before that court between Ioannis Vougioukas and Idrima Koinonikon Asphalisseon (IKA) — on the interpretation and validity of Article 4 (4) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 (OJ 1983 No L 230, p. 6) — the Court, composed of G. C. Rodríguez Iglesias, President, C. N. Kakouris, D. A. O. Edward and G. Hirsch (Presidents of Chambers), F. A. Schockweiler, J. C. Moitinho de Almeida, P. J. G. Kapteyn, C. Gulmann (Rapporteur), P. Jann, H. Ragnemalm and L. Sevón, Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 22 November 1995, in which it rules:

1. *The term 'civil servants' in Article 4 (4) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983, does not refer only to civil servants covered by the derogation provided for in Article 48 (4) of the Treaty, as interpreted by the Court, but to all civil servants employed by a public authority and persons treated as such.*