

JUDGMENT OF THE COURT

(Second Chamber)

of 9 March 2000

in Case C-386/98: Commission of the European Communities v Italian Republic⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 93/104/EC — Organisation of working time — Failure to transpose into national law)

(2000/C 149/02)

(Language of the case: Italian)

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

In Case C-386/98: Commission of the European Communities (Agents: P.J. Kuijper and A. Aresu) v Italian Republic (Agents: Professor U. Leanza, assisted by D. Del Gaizo) — application for a declaration that, by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18), and/or by failing to inform the Commission thereof, the Italian Republic has failed to fulfil its obligations under the EC Treaty — the Court (Second Chamber), composed of: R. Schintgen, President of the Chamber, G. Hirsch and V. Skouris (Rapporteur), Judges; F.G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 9 March 2000, in which it:

1. Declares that, by failing to adopt within the prescribed period the laws, regulations or administrative provisions necessary to comply with Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, the Italian Republic has failed to fulfil its obligations under that directive;
2. Orders the Italian Republic to pay the costs.

⁽¹⁾ OJ C 397 of 19.12.1998.

JUDGMENT OF THE COURT

of 14 March 2000

in Joined Cases C-102/98 and C-211/98 (references for a preliminary ruling from the Bundessozialgericht): Ibrahim Kocak v Landesversicherungsanstalt Oberfranken und Mittelfranken (C-102/98) and Ramazan Örs v Bundesknappschaft (C-211/98)⁽¹⁾

(EEC-Turkey Association Agreement — Decisions of the Association Council — Social Security — Principle of non-discrimination on grounds of nationality — Direct effect — Scope — Legislation of a Member State on determination of dates of birth for the purposes of allocating a social security number and awarding a retirement pension)

(2000/C 149/03)

(Language of the case: German)

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

In Joined Cases C-102/98 and C-211/98: Reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) by the Bundessozialgericht, Germany, for a preliminary ruling in the proceedings pending before that court between Ibrahim Kocak v Landesversicherungsanstalt Oberfranken und Mittelfranken (C-102/98) and Ramazan Örs v Bundesknappschaft (C-211/98), on the interpretation of Article 9 of the Agreement establishing an Association between the European Economic Community and Turkey signed at Ankara on 12 September 1963 and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963 (OJ 1977 L 361, p. 29), of Article 37 of the Additional Protocol signed in Brussels on 23 November 1970 and concluded, approved and confirmed on behalf of the Community by Council Regulation (EEC) No 2760/72 of 19 December 1972 (OJ 1977 L 361, p. 61), of Article 10(1) of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association (not published), and of Article 3(1) of Decision No 3/80 of the Association Council of the same date on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families (OJ 1983 C 110, p. 60) — the Court, composed of: G.C. Rodríguez Iglesias, President, D.A.O. Edward, L. Sevón, R. Schintgen (Rapporteur) (Presidents of Chambers), P.J.G. Kapteyn, C. Gulmann, J.-P. Puissechet, G. Hirsch, H. Ragnemalm, M. Wathelet and V. Skouris, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 14 March 2000, in which it held: