

JUDGMENT OF THE COURT

(Fifth Chamber)

of 6 November 2003

in Case C-311/01: Commission of the European Communities v Kingdom of the Netherlands ⁽¹⁾

(Failure of a Member State to fulfil obligations — Social security — Articles 69 and 71 of Regulation (EEC) No 1408/71 — Unemployment benefit — Frontier workers — Retention of benefit entitlement when seeking employment in another Member State)

(2004/C 7/16)

(Language of the case: Dutch)

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

In Case C-311/01, Commission of the European Communities (Agents: H. Michard and H. van Vliet) v Kingdom of the Netherlands (Agents: H. G. Sevenster and I. van der Steen): Application for a declaration that, by refusing to allow wholly unemployed frontier workers to make use of the possibility under Article 69 of Regulation (EEC) No 1408/71 of the Council 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 L 230, p. 6), of going, under the conditions laid down in that provision, to one or more Member States in order to seek employment there while retaining their entitlement to unemployment benefit, the Kingdom of the Netherlands has failed to fulfil its obligations under Articles 69 and 71 of the regulation, the Court (Fifth Chamber), composed of: A. La Pergola (Rapporteur), acting for the President of the Fifth Chamber, P. Jann and S. von Bahr, Judges; C. Stix-Hackl, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 6 November 2003, in which it:

1. Declares that, by refusing to allow wholly unemployed frontier workers to make use of the possibility under Article 69 of Regulation (EEC) No 1408/71 of the Council 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, of going, under the conditions laid down in that provision, to one or more Member States in order to seek employment there while retaining their entitlement to unem-

ployment benefit, the Kingdom of the Netherlands has failed to fulfil its obligations under Articles 69 and 71 of the regulation;

2. Orders the Kingdom of the Netherlands to pay the costs.

⁽¹⁾ OJ C 289 of 13.10.2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 13 November 2003

in Case C-313/01 (Reference for a preliminary ruling from the Corte suprema di cassazione): Christine Morgenbesser v Consiglio dell'Ordine degli avvocati di Genova ⁽¹⁾

(Freedom of establishment — Enrolment in the register of 'praticanti' — Recognition of diplomas — Access to regulated professions)

(2004/C 7/17)

(Language of the case: Italian)

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

In Case C-313/01: Reference to the Court under Article 234 EC by the Corte suprema di cassazione (Italy) for a preliminary ruling in the proceedings pending before that court between Christine Morgenbesser and Consiglio dell'Ordine degli avvocati di Genova, on the interpretation of Articles 10 EC, 12 EC, 14 EC, 39 EC, 43 EC and 149 EC, the Court (Fifth Chamber), composed of: D.A.O. Edward (Rapporteur), acting for the President of the Fifth Chamber, A. La Pergola and S. von Bahr Judges; C. Stix-Hackl, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 13 November 2003, in which it has ruled:

Community law precludes the authorities of a Member State from refusing to enrol the holder of a legal diploma obtained in another Member State in the register of persons undertaking the necessary period of practice for admission to the bar solely on the ground that it is not a legal diploma issued, confirmed or recognised as equivalent by a university of the first State.

⁽¹⁾ OJ C 289 of 10.10.2001.