

**Action brought on 16 March 1981 by the Commission of the European Communities  
against the Grand Duchy of Luxembourg**

**(Case 58/81)**

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 16 March 1981 by the Commission of the European Communities, represented by its Legal Adviser, Jean Amphoux, acting as Agent, with an address for service in Luxembourg at the office of Oreste Montalto, a Member of its Legal Department, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- Declare that by failing to adopt within the period prescribed in Article 8 (1) of Directive No 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to application of the principle of equal pay for men and women the measures necessary in order to eliminate discrimination in the conditions for the grant of head of household allowances to officials, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 119 of the EEC Treaty and the provisions of the directive in question.
- Order the Grand Duchy of Luxembourg to pay the costs.

*Principal submissions and arguments relied upon*

The relevant Luxembourg provisions, in particular Article 9 of the Law of 22 June 1963, are contrary to Article 119 of the EEC Treaty and Directive No 75/117/EEC.

The concept of pay within the meaning of Article 119 includes besides wages or salary properly so called, every other consideration, in cash or in kind, present or future, when paid by the employer, whether directly or indirectly and when paid in respect of the employment of the persons concerned. The conditions for the grant of a head of household allowance, as provided for at present, amount to discrimination against married women on the ground of sex.

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**Reference for a preliminary ruling by the Verwaltungsgericht Stuttgart by order of that court of 17 February 1981 in the case of (1) Mr Francesco Reina, Stuttgart, (2) Mrs Letizia Reina, Stuttgart, v. Landeskreditbank Baden-Württemberg, an institution incorporated under public law**

**(Case 65/81)**

Reference has been made to the Court of Justice of the European Communities by an order of the Verwaltungsgericht [Administrative Court] Stuttgart of 17 February 1981, which was received at the Court Registry on 30 March 1981, for a preliminary ruling in the case of (1) Mr Francesco Reina, Stuttgart, (2) Mrs Letizia Reina, Stuttgart, v. Landeskreditbank Baden-Württemberg, an institution incorporated under public law, on the following questions:

1. Must Article 7 (2) of Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (Official Journal, English Special Edition 1968 (II), p. 475) be construed as meaning that it puts other nationals of the EEC on an equal footing with German nationals if, pursuant to internal administrative rules and without there being any legal entitlement thereto, a loan

institute incorporated under public law grants upon application in the event of the birth of a child interest-free loans to married couples whose income does not exceed a certain amount for the purpose of averting, alleviating or removing financial difficulties and in respect of which loans the Land of Baden-Württemberg provides the institute with assistance for the service of debts on the basis of the funds appropriated from time to time in the State budget, with the aim *inter alia* of countering by measures for family assistance the decline in the birthrate in the Federal Republic of Germany and reducing the number of abortions?

2. If Article 7 (2) of Regulation (EEC) No 1612/68 is not applicable, is Article 7 (1) of the Treaty establishing the European Economic Community of 25 March 1957 to be construed as meaning that in the circumstances referred to above it precludes discrimination between other nationals of the EEC and German nationals as regards the grant of childbirth loans?
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