

# COURT OF JUSTICE

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### JUDGMENT OF THE COURT

of 21 February 1990

in Case C-74/89: Commission of the European Communities v. Kingdom of Belgium <sup>(1)</sup>

(State aid — Recovery — Non-implementation)

(90/C 85/04)

(Language of the Case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-74/89: Commission of the European Communities (Agents: Antonio Abate and Thomas F. Cusack) against Kingdom of Belgium (Agent: Robert Hoebaer) — application for a declaration that by not complying with the Commission Decision of 30 November 1983 on aid granted by the Belgian Government to a synthetic fibre producer, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty — the Court, composed of O. Due, President, F. A. Schockweiler (President of Chamber), T. Koopmans, R. Joliet, T. F. O'Higgins, G. C. Rodríguez Iglesias and M. Díez de Velasco, Judges; C. O. Lenz, Advocate-General; D. Lousterman, Principal Administrator, Registrar, gave a judgment on 21 February 1990, the operative part of which is as follows:

1. *by not complying with Commission Decision 84/111 of 30 November 1983 on the proposal of the Belgian Government to grant aid to a synthetic fibre producer <sup>(2)</sup>, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;*
2. *the Kingdom of Belgium is ordered to pay the costs.*

<sup>(1)</sup> OJ No C 94, 15. 4. 1989.

<sup>(2)</sup> OJ No L 62, 3. 3. 1984, p. 18.

### JUDGMENT OF THE COURT

of 22 February 1990

in Case C-228/88: (reference for a preliminary ruling made by the Bayerisches Landessozialgericht): Giovanni Bronzino v. Kindergeldkasse <sup>(1)</sup>

(Social security — Entitlement to family benefits when the national law of the country of employment requires the conditions laid down to be fulfilled within its own territory)

(90/C 85/05)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-228/88: reference to the Court under Article 177 of the EEC Treaty by the Bayerisches Landessozialgericht [Higher Social Court of Bavaria] for a preliminary ruling in the proceedings pending before that court between Giovanni Bronzino, residing in Augsburg (Federal Republic of Germany), and Kindergeldkasse [Child Benefit Fund], Nuremberg, — on the interpretation of Articles 3 (1) and 73 (1) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community <sup>(2)</sup>, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 <sup>(3)</sup> — the Court, composed of: O. Due, President, F. A. Schockweiler and M. Zuleeg (Presidents of Chambers), T. Koopmans, G. F. Mancini, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges; F. G. Jacobs, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 22 February 1990, the operative part of which is as follows:

*Article 74 of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community must be interpreted as meaning that where the legislation of the Member State which provides certain family benefits lays down, as a condition for the grant of those benefits, that an unemployed member of the worker's family must be at the disposal of the employment office for the territorial area in which that legislation applies, that condition must be regarded as fulfilled where the unemployed member of the family is at the disposal of the employment office of the Member State in which he resides.*

<sup>(1)</sup> OJ No C 230, 6. 9. 1988.

<sup>(2)</sup> OJ No L 149, 5. 7. 1971, p. 2.

<sup>(3)</sup> OJ No L 230, 22. 8. 1983, p. 6.