

JUDGMENT OF THE COURT

(Sixth Chamber)

of 13 November 1990

in Case C-99/89 (reference for a preliminary ruling made by the Sozialgericht, Frankfurt-am-Main): Francisco Yáñez-Campoy v. Bundesanstalt für Arbeit ⁽¹⁾

(Social security for migrant workers — Family allowances)

(90/C 306/07)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the reports of cases before the Court)

In Case C-99/89: reference to the Court under Article 177 of the EEC Treaty by the Sozialgericht [Social Court], Frankfurt-am-Main for a preliminary ruling in the proceedings pending before that court between Francisco Yáñez-Campoy and the Bundesanstalt für Arbeit [Federal Labour Office] — on the interpretation of Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version of Council Regulation (EEC) No 2001/83 of 2 June 1983 ⁽²⁾ — the Court (Sixth Chamber), composed of G. F. Mancini, President of the Chamber, T. F. O'Higgins, M. Díez de Velasco, C. N. Kakouris and P. J. G. Kapteyn, Judges; C. O. Lenz, Advocate-General; D. Louterman, Principal Administrator for the Registrar, gave a judgment on 13 November 1990, the operative part of which is as follows:

The uniform solution for all the Member States, referred to in Article 99 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, in the version of Council Regulation (EEC) No 2001/83 of 2 June 1983, came into force on 15 January 1986 and, consequently, in accordance with Article 60 of the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic, Article 73 (1) of Regulation (EEC) No 1408/71 applies with effect from that date to Spanish workers employed in a Member State other than Spain, the members of whose families reside in Spain.

⁽¹⁾ OJ No C 107, 27. 4. 1989.

⁽²⁾ OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 13 November 1990

in Case C-106/89 (reference for a preliminary ruling by the Juzgado de Primera Instancia e Instrucción No 1, Oviedo (Spain): Marleasing SA v. La Comercial Internacional de Alimentación SA ⁽¹⁾)

(Directive 68/151/EEC — Article 11 — Interpretation in conformity with national law)

(90/C 306/08)

(Language of the case: Spanish)

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

In Case C-106/89: reference to the Court under Article 177 of the EEC Treaty by the Juzgado de Primera Instancia e Instrucción [Court of First Instance and Examining Magistrate's Court] No. 1, Oviedo, for a preliminary ruling in the proceedings pending before that court between Marleasing SA and La Comercial Internacional de Alimentación SA — application for a preliminary ruling on the interpretation of Article 11 of the First Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community ⁽²⁾ — the Court (Sixth Chamber), composed of G. F. Mancini, President of the Chamber, T. F. O'Higgins, M. Díez de Velasco, C. N. Kakouris and P. J. G. Kapteyn, Judges; W. van Gerven, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 13 November 1990, the operative part of which is as follows:

A national court in which proceedings have been instituted on a matter falling within the scope of Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community, must interpret its national law in the light of the wording and the purpose of that Directive in order to prevent a declaration of nullity of a public limited company from being based on a ground different from those set out in Article 11 of the Directive.

⁽¹⁾ OJ No C 116, 9. 5. 1989.

⁽²⁾ OJ No L 65, 14. 3. 1968, p. 8.