JUDGMENT OF THE COURT (Second Chamber)
28 February 1989 *

In Case 29/88

REFERENCE to the Court under Article 177 of the EEC Treaty by the Sozialgericht (Social Court) Hamburg for a preliminary ruling in the proceedings pending before that court between

Wilhelm Schmitt, a retired office worker, residing in Hamburg,

and

Bundesversicherungsanstalt für Angestellte (Federal Insurance Office for Clerical Staff), Berlin,

on the interpretation of Article 51 of the EEC Treaty,

THE COURT (Second Chamber),

composed of T. F. O'Higgins, President of Chamber, G. F. Mancini and F. A. Schockweiler, Judges,

(the grounds of the judgment are not reproduced)

in answer to the question submitted to it by the Sozialgericht Hamburg, by order of 12 May 1987, hereby rules:

* Language of the case: German.

Article 51 of the EEC Treaty and Regulation 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 are not applicable for the purpose of determining the conditions of affiliation to a social security scheme, whether compulsory or voluntary.