JUDGMENT OF THE COURT
OF 6 DECEMBER 1977 [1]

Marguerite Maris, wife of Roger Reboulet v Rijksdienst voor Werknemerspensioenen (preliminary ruling requested by the Arbeidsrechtbank of the judicial district of Antwerp)

'Migrant workers — Rules governing languages'

Case 55/77

1. *Social security for migrant workers — Community rules — Application — Claims and documents — Drawing up — Rules governing languages*
2. *Community law — Uniform application in the Member States — Social security for workers — Rules governing languages — Exclusion of conditions with regard to nationality or residence*
   (Regulation No 1408/71, Article 84 (4))

1. Under Article 84 (4) 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 the authorities, institutions and tribunals of the Member States are bound, notwithstanding any provision of their national laws to a different or contrary effect, to accept all claims or other documents which relate to the implementation of the said regulation and which have been drawn up in an official language of another Member State and they are not allowed in this connexion to make any distinctions on grounds of nationality or residence between the persons concerned.
2. It is impossible for the authority of Community law to vary from one Member State to the other as a result of domestic laws, whatever their purpose, if the efficacy of that law and the necessary uniformity of its application in all Member States and to all those persons covered by the provisions at issue are not to be jeopardized.
   In particular the general nature of the rule laid down in Article 84 (4) of Regulation No 1408/71 and its uniform application in all the Member States would be called in question if it were open to the authorities, institutions and tribunals of those States to limit its scope by reference to criteria based on the nationality or residence of the persons concerned.

In Case 55/77

Reference to the Court under Article 177 of the EEC Treaty by the Arbeidsrechtbank (Labour Tribunal) of the judicial district of Antwerp for a preliminary ruling in the action pending before that court between

1 — Language of the Case: Dutch.

MARGUERITE MARIS, WIFE OF ROGER REBOULET, residing at Collonges-au-Mont-d'Or (France),

and

RIJKSDIENST VOOR WERKNEMERSPENSIOENEN (The National Pensions Bureau for Employed Persons) whose office is in Brussels,

on the interpretation of Article 84 (4) 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,

THE COURT

composed of: H. Kutscher, President, M. Sørensen and G. Bosco, Presidents of Chambers, A. M. Donner, J. Mertens de Wilmars, P. Pescatore, Lord Mackenzie Stuart, A. O'Keeffe and A. Touffait, Judges,

Advocate-General: F. Capotorti
Registrar: A. Van Houtte

gives the following

JUDGMENT

Facts and issues

The facts, the procedure and the observations submitted under Article 20 of the Protocol on the Statute of the Court of Justice of the EEC may be summarized as follows:

I — Facts and written procedure

Mrs Marguerite Emilie Reboulet, née Maris, wife of Roger Reboulet, a Belgian national residing at Collonges-au-Mont-d'Or (France), was an employed person successively from 1937 to 1941 in Belgium, from 1941 to 1945 in Germany, from 1945 to 1947 again in Belgium and from 1947 to 1975 in France where she has resided since 1947.

On 11 October 1974 Mrs Reboulet made an application to the competent French institution, the Caisse Régionale d'Assurance Maladie Rhône-Alpes, Lyon, for the determination of her right to a retirement pension.

The Rijksdienst voor Werknemers-pensioenen (The National Pensions Bureau for Employed Persons), whose office is in Brussels and to which the application was made pursuant to 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 (OJ English Special Edition 1971 (II), p. 416) and Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 (OJ English Special Edition 1972 (I), p. 160), by a decision of

9 January 1976 refused to grant Mrs Reboulet a retirement pension for employed persons as from 1 June 1975.

By a registered letter of 26 June 1976 Mrs Reboulet lodged an appeal against that decision with the Arbeidsrechtbank (Labour Tribunal) of the judicial district of Antwerp.

Her appeal was in French.

In Belgium Article 2 of the Law of 15 June 1935 concerning the use of languages in judicial proceedings provides that in all the civil and commercial courts of first instance which have their seat in the province of Antwerp all the proceedings shall be in Dutch; under Article 40 of that law and Article 862 of the Code Judiciaire (Code of Procedure) a court to which any originating application not drawn up in that language is made must declare of its own motion that the said application is null and void.

On the other hand Article 84 (4) of Regulation (EEC) No 1408/71 of the Council provides:

'The authorities, institutions and tribunals of one Member State may not reject claims or other documents submitted to them on the grounds that they are written in an official language of another Member State. They shall have recourse where appropriate to the provisions of Article 81 (b).' ('The Administrative Commission shall have the following duties: ... (b) to carry out all translations of documents relating to the implementation of this regulation at the request of the competent authorities, institutions and courts of the Member States, and in particular translations of claims submitted by persons who may be entitled to benefit under this regulation').

In these circumstances the Sixth Chamber of the Arbeidsrechtbank of the judicial district of Antwerp by a judgment of 21 April 1977 decided, pursuant to Article 177 of the EEC Treaty, to stay proceedings until the Court of Justice has given a preliminary ruling on the following questions:

1. Whether the provisions of Article 84 (4) of Regulation (EEC) No 1408/71 take precedence over Article 2 and the first paragraph of Article 40 of the Law of 15 June 1935 on the use of languages in legal proceedings in respect of all persons to whom the regulation applies (Article 2);
2. More particularly whether the provisions of Article 84 (4) of Regulation (EEC) No 1408/71 also apply to claims lodged with a Belgian court by a person of Belgian nationality who is a person to whom the regulation applies (Article 2);
3. Whether in this respect it is in any way relevant for the application of Article 84 (4) of Regulation (EEC) No 1408/71 that the person concerned resides in Belgium or in another Member State at the time of lodging the claim with the Belgian court.

The order of the Arbeidsrechtbank, Antwerp, was received at the Court Registry on 28 April 1977. A material error in that judgment was rectified by a judgment of 27 May; the amending judgment was registered at the Court Registry on 6 June 1977.

In accordance with Article 20 of the Protocol on the Statute of the Court of Justice of the EEC written observations were submitted by the Commission of the European Communities on 5 July 1977.

After hearing the report of the Judge-Rapporteur and the views of the Advocate-General the Court decided to proceed without any preparatory inquiry.

II — Written observations submitted to the Court

The main submissions of the *Commission* are as follows:

The first question

The question of the supremacy of Community law over national law has been clearly settled by the well established case-law of the Court of Justice, for example in its judgment of 13 February 1969 in Case 14/68, *Walt Wilhelm and Others* v *Bundeskartellamt* [1969] ECR 14.

The second and third questions

These questions deal with the field of application *ratione personae* of Article 84 (4) of Regulation No 1408/71.

The regulation does not in any way restrict the field of application of that provision; the latter applies therefore to any of the persons covered by the regulation. They are defined in Article 2 (1), (2) and (3) of the regulation, which does not contain any exception for the case of a person filing an application in a court of the Member State of which he is a national or persons residing in the territory of the Member State where the application is filed.

The purpose of Article 84 (4) of Regulation No 1408/71 is to help workers who avail themselves of freedom of movement within the Community to overcome any linguistic difficulties which they may encounter in the exercise of the rights conferred upon them by the Community by allowing them to express themselves in a language which they can use more easily than the language of the host country.

Not only foreign nationals but also nationals of a Member State who have lived for so long abroad that they have less mastery of the language of the country of which they are nationals are entitled to take advantage of such a provision. To ensure that the work of the courts of first instance is not made too complicated Regulation No 1408/71 provides for the setting up of an Administrative Commission which has the duty to carry out any necessary translations at the request of the competent courts of the Member States.

These findings are confirmed by implication by the case-law of the Court on the corresponding provisions of Regulation No 3 of the Council of the EEC of 25 September 1958 concerning social security for migrant workers (JO of 16. 12. 1958, p. 561), especially by its judgment of 5 July 1967 in Case 6/67 *Teresa Pace* (née *Guerra)* v *Institut National d'Assurance Maladie-Invalidité* [1967] ECR 219 and by its judgment of 13 December 1972 in Case 45/72 *Giuseppe Merola* v *Nationaal Pensioenfonds voor Mijnwerkers* [1972] 2 ECR 1255.

Conclusion

The following answer should be given to the questions referred to the Court by the Labour Tribunal, Antwerp:

Article 84 (4) of Regulation No 1408/71 takes precedence over any rule of national law which is incompatible with it. The authorities, institutions and tribunals to which it refers cannot when applying that provision treat their own nationals differently from other persons to whom that regulation applies. Likewise it is irrelevant for the application of that provision, whether the person concerned is or is not resident in the country where the application has been lodged.

III — Oral procedure

The Commission of the European Communities, represented by Hendrik Bronkhorst, a member of its Legal Department, submitted its oral observations and its replies to certain questions raised by the Court at the hearing on 25 October 1977.

The Advocate-General delivered his opinion at the hearing on 16 November 1977.

Decision

1 By judgment of 21 April 1977, received at the Court Registry on 28 April 1977, the Arbeidsrechtbank (Labour Tribunal) of the judicial district of Antwerp referred to the Court for a preliminary ruling under Article 177 of the EEC Treaty three questions on the interpretation of Article 84 (4) 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 (OJ English Special Edition 1971 (II), p. 416) with reference to the rules governing the language to be used for the purposes of the said regulation.

2 The file shows that the plaintiff in the main action, a Belgian national residing in France, has completed insurance periods in Belgium, Germany and France.

3 Following a dispute between her and the Rijksdienst voor Werknemerspensioenen arising out of her right to a retirement pension she commenced proceedings before the Arrondissementsrechtbank of the judicial district of Antwerp which has jurisdiction both because she last resided in that district and because it was her last place of work in Belgium.

4 The plaintiff lodged her application in the form of a registered letter written in French and the national court, before which under Article 2 of the Belgian Law of 15 June 1935 concerning the languages to be used in judicial proceedings the language of procedure is Dutch, is enquiring whether the application is admissible having regard to Article 40 of the Law and Article 862 of the Code Judiciaire (the Judicial Code) under which courts are required to declare of their own motion that any pleading drawn up in a language other than the official language of the court in question is null and void.

5 In order to determine the compatibility of the said provisions with Article 84 (4) of Regulation (EEC) No 1408/71 the Arrondissementsrechtbank has referred the following questions to the Court:

1. Whether the provisions of Article 84 (4) of Regulation (EEC) No 1408/71 take precedence over Article 2 and the first paragraph of Article 40 of the

Law of 15 June 1935 on the use of languages in legal proceedings in respect of all persons to whom the regulation applies (Article 2);

2. More particularly whether the provisions of Article 84 (4) of Regulation (EEC) No 1408/71 also apply to claims lodged with a Belgian court by a person of Belgian nationality who is a person to whom the regulation applies (Article 2);

3. Whether in this respect it is in any way relevant for the application of Article 84 (4) of Regulation (EEC) No 1408/71 that the person concerned resides in Belgium or in another Member State at the time of lodging the claim in the Belgian court.

6 Under Article 84 (4) of Regulation No 1408/71: 'The authorities, institutions and tribunals of one Member State may not reject claims or other documents submitted to them on the grounds that they are written in an official language of another Member State'.

7 This provision is one of a number of measures designed to secure the cooperation of the competent authorities for the purpose of implementing the system of social security laid down by the regulation for the benefit of workers moving within the Community.

8 In order to make it easy throughout the Community for the persons to whom Regulation No 1408/71 applies to have recourse to the provisions thereof, Article 84 (4) provides that the claims submitted by such persons and the documents produced by them in one of the Member States may not be rejected on the grounds that they have been drawn up in an official language of another Member State.

9 Having regard to the large number of different individual situations to which freedom of movement for workers and their families may give rise, Article 84 (4) does not for reasons of practicability draw any distinction based on the nationality of the persons concerned or on their residence as long as the purpose of the claims submitted or the documents produced is the implementation of the regulation in question.

10 The general nature of the rule laid down in that provision and its uniform application in all the Member States would be called in question if it were

open to the authorities, institutions and tribunals of those States to limit its scope by reference to criteria based on the nationality or residence of the persons concerned.

11 Nevertheless it must be pointed out that Article 84 (4) only applies to claims submitted by persons to whom Regulation No 1408/71 applies and to the documents produced in support of their rights and does not apply to the general procedure, which remains governed by the domestic laws of each State.

12 It is for the very purpose of facilitating that procedure that the second sentence of Article 84 (4) provides that the courts hearing such actions may arrange for the Administrative Commission, in accordance with the provisions of Article 81 (b), to carry out all translations of documents relating to the implementation of Regulation No 1408/71 and in particular translations of claims submitted by persons who may be entitled to benefit under that regulation.

13 It must further be stressed that Article 84 (4) is only applicable for the benefit of workers who have moved between two or more Member States and of their dependants and, furthermore, that the provision in question only relates to the procedures for the implementation of Community rules in the field of social security and thus to the exclusion of other disputes in which a worker may possibly be involved.

14 Without prejudice to any such considerations it must be concluded that Article 84 (4) does not allow any distinctions to be drawn on grounds of nationality or residence between those persons who are entitled to avail themselves of that provision.

15 Article 189 of the Treaty provides that a regulation shall be binding in its entirety and directly applicable in all Member States.

16 The provision referred to by the national court confers upon every person to whom Regulation No 1408/71 applies, without distinction on grounds of nationality or residence, a right which national courts must protect — in this case the right when submitting claims and producing documents to use any one of the official languages of the Member States.

17 It is impossible for the authority of Community law to vary from one Member State to the other as a result of domestic laws, whatever their purpose, if the efficacy of that law and the necessary uniformity of its application in all Member States and to all those persons covered by the provisions at issue are not to be jeopardized.

18 It follows that, as far as concerns the persons to whom Regulation No 1408/71 applies, the rule laid down in Article 84 (4) precludes the application of any provision of national law to a different or contrary effect.

19 Therefore the answer to the questions referred to the Court must be that under Article 84 (4) of Regulation No 1408/71 the authorities, institutions and tribunals of the Member States are bound, notwithstanding any provision of their national laws to a different or contrary effect, to accept all claims or other documents which relate to the implementation of the said regulation and which have been drawn up in an official language of another Member State and they are not allowed in this connexion to make any distinctions on grounds of nationality or residence between the persons concerned.

Costs

20 The costs incurred by the Commission of the European Communities, which has submitted observations to the Court, are not recoverable.

21 As these proceedings are, in so far as the parties to the main action are concerned, in the nature of a step in the action pending before the national court, the decision as to costs is a matter for that court.

On those grounds,

THE COURT,

in answer to the questions referred to it by the Arbeidsrechtbank (Labour Tribunal) of the judicial district of Antwerp by a judgment of 21 April 1977, hereby rules:

Under Article 84 (4) 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 the authorities, institutions and tribunals of the Member States are bound, notwithstanding any provision of their national laws to a different or contrary effect, to accept all claims or other documents which relate to the implementation of the said regulation and which have been drawn up in an official language of another Member State and they are not allowed in this connexion to make any distinctions on grounds of nationality or residence between the persons concerned.

Kutscher Sørensen Bosco Donner Mertens de Wilmars

Pescatore Lord Mackenzie Stuart O'Keeffe Touffait

Delivered in open court in Luxembourg on 6 December 1977.

A. Van Houtte
Registrar

H. Kutscher
President

OPINION OF MR ADVOCATE-GENERAL CAPOTORTI DELIVERED ON 16 NOVEMBER 1977 [1]

Mr President,
Members of the Court,

1. This case arises from a reference for a preliminary ruling by the Arbeidsrechtbank (Labour Tribunal), Antwerp, which seeks an interpretation under Article 177 of the EEC Treaty of Article 84 (4) 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, which provides as follows: 'The authorities, institutions and tribunals of one Member State may not reject claims or other documents submitted to them on the grounds that they are written in an official language of another Member State'. The questions submitted by the Belgian court raise the problem of determining the range of persons covered by that provision.

In the proceedings which are pending before the Antwerp tribunal, a Belgian

1 — Translated from the Italian.