

JUDGMENT OF THE COURT OF
6 DECEMBER 1977

**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 - [Union] rules - Application - Claims and documents - Drawing up - Rules governing languages*
2. *[Union] 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))*

In Case 55/77

Reference to the Court under [Article 267 TFEU] by the Arbeidsrechtbank (Labour Tribunal) of the judicial district of Antwerp for a preliminary ruling in the action pending before that court between

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 [Union],

THE COURT

composed of: H. Kutscher, President, M. Sorensen 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

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 267 TFEU] 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 [Union] (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 Werknemerspensionen 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 [Union].
- 8 In order to make it easy throughout the [Union] 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 [Union] 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 288 TFEU] 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 [Union] 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 [Union], 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 [Union] 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

Robert Schütze European Union Law Lisbonised Cases