

Almeida, M. Diez de Velasco and D. A. O. Edward (Presidents of Chambers), C. N. Kakouris, G. C. Rodríguez Iglesias, F. Grévisse, M. Zuleeg (Rapporteur) and P. J. G. Kapteyn, Judges; G. Tesouro, Advocate-General; H. von Holstein, Deputy Registrar, gave a judgment on 20 September 1994, the operative part of which is as follows:

consideration of the question raised has not revealed any factors capable of affecting the validity of point 4 of Annex VI, Section I (now J) of Council Regulation (EEC) No 1408/71 of 14 June 1971 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 codified by Regulation (EEC) No 2001/83.

⁽¹⁾ OJ No C 46, 18. 2. 1993, p. 12.

⁽²⁾ OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

(Second Chamber)

of 22 September 1994

in Case C-301/93 (reference for a preliminary ruling from the Tribunal de Travail, Mons): Lio Bettacini v. Fonds National de Retraite des Ouvriers Mineurs (FNROM) ⁽¹⁾

(Social security for migrant workers — Increase in invalidity pension — Application of national rules prohibiting overlapping of benefits)

(94/C 304/10)

(Language of the case: French)

(Provisional translation: the definitive translation will be published in the European Court Reports)

In Case C-301/93: reference to the Court under Article 177 of the EC Treaty by the Tribunal du Travail, Mons, for a preliminary ruling in the proceedings pending before that court between Lio Bettacini and Fonds National de Retraite des Ouvriers Mineurs (National Pension Fund for Miners, 'the FNROM'), on the interpretation of Articles 46 and 51 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving with the Community, as codified by Regulation (EEC) No 2001/83 ⁽²⁾ the Court (Second Chamber), composed of G. F. Mancini, President of the Chamber, F. A. Schockweiler and J. L. Murray (Rapporteur), Judges; F. G. Jacobs: Advocate-General; R. Grass: Registrar, gave a judgment the operative part of which is as follows:

where benefits paid in one Member State in respect of an invalidity pension are calculated in accordance with Article 46 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes

to employed persons, to self-employed persons and their families moving within the Community, as codified by Regulation (EEC) No 2001/83, Article 51 of that Regulation must be interpreted as precluding a recalculation of the benefits in question in the event of the grant in another Member State of an allowance which is in the nature of a family benefit for the purposes of Article 1 (u) (i) of Regulation (EEC) No 1408/71 or which, being granted automatically to families meeting certain objective criteria, relating in particular to their size, income and capital resources, may be considered a family benefit.

⁽¹⁾ OJ No C 189, 22. 9. 1993, p. 9.

⁽²⁾ OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

of 28 September 1994

in Case C-200/91 (reference for a preliminary ruling from the Chancery Division of the High Court of Justice of England and Wales): Coloroll Pension Trustees Limited v.

1. James Richard Russell, 2. Daniel Mangham, 3. Gerald Robert Parker, 4. Robert Sharp, 5. Joan Fuller, 6. Judith Ann Broughton and 7. Coloroll Group Plc ⁽¹⁾

(Equal pay for men and women — Occupational pensions — Use of actuarial factors differing according to sex — Limitation of the effects in time of the judgment in Case C-262/88 Barber)

(94/C 304/11)

(Language of the case: English)

In Case C-200/91: reference to the Court under Article 177 of the EC Treaty from the Chancery Division of the High Court of Justice of England and Wales for a preliminary ruling in the representative action brought by Coloroll Pension Trustees Limited against 1. James Richard Russell, 2. Daniel Mangham, 3. Gerald Robert Parker, 4. Robert Sharp, 5. Joan Fuller, 6. Judith Ann Broughton and 7. Coloroll Group Plc — on the interpretation of Article 119 of the EC Treaty and of the limitation of the effects in time of the judgment of the Court of Justice of 17 May 1990 in Case C-262/88 Barber v. Guardian Royal Exchange Assurance Group [1990] ECR I, p. 1889 — the Court, composed of O. Due, President, G. F. Mancini (Rapporteur), J. C. Moitinho de Almeida, M. Diez de Velasco and D. A. O. Edward (Presidents of Chambers), C. N. Kakouris, R. Joliet, F. A. Schockweiler, G. C. Rodríguez Iglesias, F. Grévisse, M. Zuleeg, P. J. G. Kapteyn and J. L. Murray, Judges; W. Van Gerven, Advocate-General; H. von Holstein, Deputy Registrar, and D. Louterman-Hubeau, Principal Administrator, for the Registrar, gave a judgment on 28 September 1994, the operative part of which is as follows: