

have had to be repaid in the normal course of events would be contrary to the principle of proportionality.

- (¹) OJ C 370, 24.12.1994.
OJ C 333, 9.12.1995.
OJ C 46, 17.2.1996.
OJ C 95, 30.3.1996.

JUDGMENT OF THE COURT

(Second Chamber)

of 15 January 1998

in Case C-125/96 (reference for a preliminary ruling from the Hessisches Finanzgericht, Kassel): Hartmut Simon v. Hauptzollamt Frankfurt am Main (¹)

(Additional milk levy — Date on which it becomes payable — Article 15(4) of Regulation (EEC) No 1546/88 — Meaning of 'any levy amount due')

(98/C 72/02)

(Language of the case: German)

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

In Case C-125/96: reference to the Court under Article 177 of the EC Treaty from the Hessisches Finanzgericht (Finance Court, Hesse), Kassel (Germany), for a preliminary ruling in the proceedings pending before that court between Hartmut Simon and Hauptzollamt Frankfurt am Main — on the interpretation of Article 15(4) of Commission Regulation (EEC) No 1546/88 of 3 June 1988 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 (OJ L 139, 4.6.1988, p. 12) — the Court (Second Chamber), composed of: R. Schintgen, President of the Chamber, H. Ragnemalm and G. F. Mancini (Rapporteur), Judges; M. B. Elmer, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 15 January 1998, in which it has ruled:

Article 15(4) of Commission Regulation (EEC) No 1546/88 of 3 June 1988 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 must be construed as meaning that the amount of levy due refers, within the context of Formula A, to the amount objectively payable by a milk producer by reason of the fact that he has actually exceeded his reference quantity even where the exact amount can be established only after verification of the quantities delivered, and becomes payable on the date laid down in that provision, that is to say, not more than three months following the end of each 12-month period, namely on the following 30 June.

- (¹) OJ C 158, 1.6.1996.

JUDGMENT OF THE COURT

(Second Chamber)

of 15 January 1998

in Case C-113/97 (reference for a preliminary ruling from the Tribunal du Travail, Charleroi): Henia Babahenini v. The Belgian State (¹)

(EEC-Algeria Cooperation Agreement — Article 39(1) — Principle of non-discrimination in the field of social security — Direct effect — Scope — Disability allowance)

(98/C 72/03)

(Language of the case: French)

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

In Case C-113/97: reference to the Court under Article 177 of the EC Treaty from the Tribunal du Travail (Labour Court), Charleroi (Belgium), for a preliminary ruling in the proceedings pending before that court between Henia Babahenini and The Belgian State — on the interpretation of Article 39(1) of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria, signed in Algiers on 26 April 1976 and concluded on behalf of the Community by Council Regulation (EEC) No 2210/78 of 26 September 1978 (OJ L 263, 27.9.1978, p. 1) — the Court (Second Chamber), composed of: R. Schintgen (Rapporteur), President of the Chamber, G. F. Mancini and G. Hirsch, Judges; F. G. Jacobs, Advocate General; R. Grass, Registrar, has given a judgment on 15 January 1998, in which it has ruled:

Article 39(1) of the Cooperation Agreement between the European Economic Community and the People's Democratic Republic of Algeria, signed in Algiers on 26 April 1976 and concluded on behalf of the Community by Council Regulation (EEC) No 2210/78 of 26 September 1978, is to be interpreted as precluding a Member State from refusing to grant a benefit, such as disability allowance, provided for under its legislation in favour of nationals resident in that State and irrespective of whether they have been working in an employed capacity, to the disabled spouse of a retired Algerian worker who lives with her husband in the Member State in question, on the ground that she is of Algerian nationality and has never been engaged in a trade or profession.

- (¹) OJ C 142, 10.5.1997.