the activities of the Community, whose objectives include *inter alia* the free movement of persons, the mobility of labour and the improvement of the living standards of workers. It follows that the conditions of access to vocational training fall within the scope of the Treaty.

2. The imposition on students who are nationals of other Member States of a charge, a registration fee or the so-called 'minerval' as a condition of access to vocational training, where the same fee is not imposed on students who are nationals of the host Member State, constitutes discrimination on grounds of nationality contrary to Article 7 of the Treaty.

3. Any form of education which prepares for a qualification for a particular profession, trade or employment or which provides the necessary skills for such a profession, trade or employment is vocational training, whatever the age and the level of training of the pupils or students, even if the training programme includes an element of general education. The term 'vocational training' therefore includes courses in strip cartoon art provided by an institution of higher art education.

OPINION OF ADVOCATE GENERAL SIR GORDON SLYNN
delivered on 16 January 1985

Mr President,
Members of the Court,

This reference under Article 177 of the EEC Treaty, by the President of the Tribunal de Première Instance at Liège, asks

'(1) Is it in accordance with Community law to consider that nationals of Member States of the European Community who enter the territory of another Member State for the sole purpose of duly following courses there in an institution that organizes instruction relating in particular to vocational training fall, with regard to that institution, within the scope of Article 7 of the Treaty of Rome of 25 March 1957?

(2) If that question is answered in the affirmative, by what criteria may it be decided whether a course of the art of strip cartoons falls within the scope of the Treaty of Rome?'

The applicant in the main proceedings is a French national whose normal residence is in France where her parents, themselves French nationals, also live. In 1982 she registered for a four-year course at the Académie Royale des Beaux-Arts in Liège to study the art of strip cartoons which forms part of artistic studies in a non-university institute of higher education.

Such institutions of higher education may charge registration fees, unlike secondary

and earlier forms of education in the State system or in State-subsidized institutions which are free. The Académie charges all students a registration fee of, at the relevant time, 10 000 Belgian francs a year. In addition, since 1976 the Minister for Education has been empowered to fix an enrolment fee for foreign students, whose parents are not resident in Belgium, who attend a State or State-supported institution for specified levels from pre-school through to higher and technical education. The enrolment fee for the years 1982/83 and 1983/84 for those undertaking full-time artistic education was fixed by ministerial circular at 24 622 Belgian francs. Higher fees were set for some other arts subjects and in science and medicine the enrolment fees rose to over 200 000 Belgian francs for the year.

The applicant applied for exemption from this enrolment fee (which despite the restrictions it is alleged in this case to have on the pursuit of learning is known as the 'minerval') and was allowed to undertake in 1982/83 a course of studies. Her application for exemption was rejected in October 1983. As she refused to pay the fee for that year or for the year 1983/84 she was refused enrolment and in consequence her residence permit lapsed. Moreover her parents lost the right under French exchange control regulations to send her money in Belgium.

Following the initiation of proceedings before the national court she was granted a provisional certificate of enrolment and allowed to continue her course and her parents were allowed to send her money.

The Commission says, and the defendants and third parties have not challenged this, that Belgium is now the only Member State to charge nationals of other Member States higher fees than are charged to Belgian nationals, save that in Greece Belgian students are charged higher fees than other students as a matter of reciprocity.

The Belgian rule is based squarely on nationality and not on residence. A Belgian national is never required to pay the minerval, even if he has spent the rest of his life outside Belgium and even if his parents live out of Belgium and pay no Belgian taxes. Non-Belgians pay the minerval unless they are exempted. It is said by the defendants that approximately 84% of non-Belgian students (whose number totals 4 050 of 4.25% of the total student population) are exempted, the main categories of exemption being:

(a) those whose mother or father holds Belgian nationality or resides in Belgium or carries out his or her principal professional activities there and is liable for Belgian tax;

(b) students who themselves reside in Belgium, carrying out their principal professional activities there and being liable for Belgian tax;

(c) Luxembourg nationals;

(d) those who are given discretionary dispensation such as nationals of particular developing countries.

Even allowing for these exemptions it seems that some 650 or so foreign students are subject to this charge.

On the face of it it may seem surprising that one Member State should maintain this charge in view of the preamble to and the aims of the Treaty and the advantages to the Community and the individual of students being able to study in other Member States than their own, especially if, with increasing specialization, particular subjects are emphasized and developed in particular centres of education. It may no

less be surprising that the minerval be persisted in in view of:

(a) the Commission's proposals, submitted in 1978 to the Council, pursuant to the action programme adopted by the Council and the Ministers for Education in Council in 1976 concerning, *inter alia*, measures designed to promote free movement and mobility of labour, which were agreed to in principle in 1980 by the Council and the Ministers for Education, that tuition fees in institutes of higher education should not, for students from other Member States, be 'higher than those applicable to home students' (see Official Journal C 38, 19. 2. 1976, p. 1 and document COM (78) 468 final) and

(b) the resolution of the European Parliament in 1982 calling upon Belgium to 'abolish all discriminatory measures in the matter of registration fees with regard to education'. (Official Journal C 334, 20. 12. 1982, p. 93.)

The factual justification for the minerval advanced at the hearing is that before 1976 there was an influx of students from other Community countries, and that currently Belgium has a higher percentage of other Member States, nationals as part of its student population than any other Member State. Not with the intention of reducing the flow of students, but 'of ensuring a certain financial stability', this charge, which was less than 50% of the actual cost of providing the education, was introduced. It is the contribution the non-national student makes to the cost which in the case of the Belgian student is made up from an element in the taxes which every resident Belgian pays. There is a dispute as to whether the imposition of the minerval has in fact reduced the number of students going to Belgium since 1976, though the Commission contends that it has.

Belgium and the Communauté Française, which is responsible in Liège for art education, contend that educational policy, including the charging of fees, remains a matter for each Member State. They, like the Governments of Denmark and the United Kingdom, which have intervened, claim that the charging of this minerval does not violate any rule of Community law. A national of one Member State has no right under the Treaty to enter another Member State for the purposes of education or to be admitted to a course on the same terms, as to fees or grants, as that Member State's own nationals. The position is different if the would-be student is already a migrant worker or one of his dependants. Article 7 of the Treaty is too general a provision to create such rights; there is no specific subordinate legislation made under any other provision of the Treaty which takes that general provision further in any relevant respect. Further, no assistance is to be gained from Articles 59 and 60 of the Treaty, which are not concerned with the provision of education, or indeed other services by the State, which are provided free or at a charge which bears no relation to their economic cost, and which essentially are provided as a matter of social policy. Even if these provisions of the Treaty are applicable where private institutions provide education on a profit-making basis, by virtue of Articles 59 and 60 of the Treaty, State institutions are excluded. Otherwise students from other Member States could not only claim the benefit of services provided for its own nationals, paid for substantially out of taxes by its own nationals, but they might exclude from places in educational institutions the Member States's own nationals in cases where the number of students in the institutions was limited. Further, on such an

approach it might be argued that they were also entitled to grants for maintenance available to the Member State's own nationals on the same terms as those nationals. Such a result is unthinkable in view of the different forms and levels of grants and of the differences which exist between the number of students moving into the various Member States. In any event, the right to stay in another Member State is limited to the duration of the services provided and the real intention is that the right of residence should be confined to short periods.

Miss Gravier contends that if the concept of a European Community has any real meaning it must enable students to move the institutions of education in other Member States. Both she and the Commission rely principally on Article 59 of the Treaty. Education is a service. The Court in joined Cases 286/82 and 26/83 *Luisi and Carbone* v *Ministero del Tesoro* (judgment 31 January 1984) recognized this. It also recognized that where one person has the right to go to another Member State to provide services, a person wishing to receive those services has a complementary right to go to the Member State of the provider in order to receive them. Education services are normally provided for remuneration. It is nothing to the point that the student may not pay the economic cost. Indeed so long as the person providing the services is paid it does not matter who pays them. During the period of study the student has a right of residence as a recipient of services under Council Directive No 73/148/EEC of 21 May 1973 (Official Journal L 172, 28. 6. 1973, p. 14). To impose an extra fee on the non-national may either create serious problems for him or even prohibit him from taking up a course. This is a restriction on the right to follow a course of education which has adverse effects on the student and on the Community. It is contrary to the action programme adopted by the Council and the Ministers for Education in 1976 which provided a series of measures to be adopted with the object of promoting the free movement and mobility of labour. It is contrary to the proposals submitted by the Commission to the Council in 1978 (which are referred to above) which were accepted by the Education committee and agreed to in principle by the Council and the Ministers for Education in 1980. There is also a breach of Article 7 of the Treaty since an extra fee based on nationality interferes with the freedom of a student to pursue a specialist course of vocational studies intended to prepare him for employment in a particular field, and is contrary to the attainment of freedom of movement for persons which is referred to in Article 3(c) of the Treaty.

The issues raised are both difficult and sensitive, not least because of the possible implications of their resolution for areas beyond that of the actual fees charged for a course, the only matter in question in this case.

Although Miss Gravier and the Commission rely primarily on Article 59 of the Treaty, falling within Chapter 3 ('Services') of Title III on 'Free movement of persons, services and capital' it seems to me convenient to begin with the only article of the Treaty mentioned in the reference, namely

Article 7 falling under Title I 'Principles'. This provides: 'Within the scope of application of this Treaty, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited. The Council may, on a proposal from the Commission and after consulting the Assembly, adopt, by a qualified majority, rules designed to prohibit such discrimination'.

It is plain that the charge in the present case does discriminate on the grounds of nationality. Is that discrimination 'within the scope of application of this Treaty'? It is accepted by all parties that education as such is not specified as one of the tasks or activities of the Community. Reference has however been made to Case 9/74 *Casagrande* v *Landeshauptstadt München* [1974] ECR 773 at p. 779 where the Court said:

'Although educational and training policy is not as such included in the spheres which the Treaty has entrusted to the Community institutions, it does not follow that the exercise of powers transferred to the Community is in some way limited if it is of such a nature as to affect the measures taken in the execution of a policy such as that of education and training.

Chapters 1 and 2 of Title III of Part Two of the Treaty in particular contain several provisions the application of which could affect this policy' (para. 12 and 13).

In Case 152/82 *Forcheri* v *Belgium* [1983] ECR 2323, the Court also had to consider the question 'whether access to educational courses, in particular those concerning vocational training, falls within the scope of application of the Treaty' (para. 13).

Article 128 of the Treaty provides that the Council shall, acting on a proposal from the Commission and after consulting the Economic and Social Committee, lay down general principles for implementing a common vocational training policy capable of contributing to the harmonious development both of the national economies and of the common market. Council Decision No 63/266 of 2 April 1963 (Official Journal 1963 p. 1338, English Special Edition 1963/64 p. 25) laid down general principles for implementing a common vocational policy. The Decision recites that the implementation of an effective common vocational training policy will help to bring about freedom of movement for workers and that every person should, during the different stages of his working life, be able to receive basic and advanced training and any necessary vocational training. The common vocational training policy, it is stated as a principle, must have certain fundamental objectives which are, *inter alia*, to bring about conditions which will guarantee adequate vocational training for all and to offer to every person according to his inclinations and capabilities, working knowledge and experience, the opportunity to gain promotion or to receive instruction for a new and higher level of activity.

On the basis of Article 128 and Decision No 63/266 the Court concluded in *Forcheri*:

'It follows that although it is true that educational and vocational training policy is not as such part of the area which the Treaty has allotted to the competence of the Community institutions, the opportunity for such kinds of instruction falls within the scope of the Treaty.

Consequently if a Member State organizes educational courses relating in particular to vocational training to require of a national of another Member State lawfully established in the first Member State an enrolment fee which is not required of its own nationals in order to take part in such courses constitutes discrimination by reason of nationality, which is prohibited by Article 7 of the Treaty' (para. 17 and 18).

There are differences between that case and the present one. Mrs Forcheri was the wife of an official of the Communities who was required to live in Belgium. The Court accepted that such an official must be able to enjoy all the benefits flowing from Community law for the nationals of Member States in regard to freedom of movement, freedom of establishment and social security. Freedom of movement under Article 48 of the Treaty was stated in the preamble to Council Regulation No 1612/68 (Official Journal 1968 L 257/2, English Special Edition 1968(II) p. 475) to constitute a fundamental right to workers and their families. In Article 7 of that Regulation the worker himself was to have the right under the same conditions as national workers to have 'access to training in vocational schools and retraining centres'. Moreover, under Article 12, the children of such a worker are to be admitted to the general educational, apprenticeship and vocational training courses under the same conditions as the nationals of the State in which he worked, if such children are residing in the territory of that State. There was no such provision for the wife, but the Court found that her position was the same by reason of the general principles set out above.

Since Miss Gravier is neither a worker nor the child nor the spouse of a worker, she did not have any right to live in Belgium under the provisions of that Regulation. It is contended that this is fatal to her claim since she cannot show that she was already 'lawfully established' ('licitement installée') before she applied to begin her course.

It is clear that Miss Gravier does not fall into the precise category of person being considered in *Forcheri* and she cannot say that her case is specifically decided by that case. I do not, however, read the judgment as laying down that a necessary precondition of the right to undertake a particular vocational course depends on a pre-existing right of residence. As a matter of description, Mrs Forcheri clearly was lawfullly established, and there would be no justification for granting a right to a course to someone who was unlawfully in a country. The question to my mind remains open as to whether a national of one Member State can be charged a higher fee to undertake a course of study solely on the grounds that her nationality is not that of the Member State in which the course is held.

So far as vocational training is concerned the starting point is Article 128 of the Treaty and Decision No 63/266. The latter, in addition to the passages referred to by the Court in *Forcheri*, establishes that every person must be enabled to receive adequate training with due regard to freedom of choice of occupation, place of training and place of work. The general principles to be followed must deal with the training of young persons and adults who might be or already are employed. 'It shall be the

responsibility of the Member States and the competent institutions of the Community to apply such general principles within the framework of the Treaty.' Thus, by the Fourth Principle, the Commission in close cooperation with the Member States is to carry out 'studies and research in the field of vocational training which will ensure attainment of a common policy, in particular with a view to promoting employment facilities and the geographical and occupational mobility of workers within the Community'. There should be an exchange of information, experience and instructors and the harmonization of standards is to be sought.

This Decision, together with the Commission's recommendations of 18 July 1966 on professional orientation (66/48/CEE), the Council's 'Orientations générales pour l'élaboration d'un programme d'activités au niveau communautaire en matière de formation professionnelle' (Official Journal C 81/5 of 12. 8. 1971), the resolution of the Council and the Ministers for Education meeting in the Council of 13 December 1976 concerning measures to be taken to improve the preparation of young people for work and facilitate their transition from education to working life (Official Journal C 308, 30. 12. 1976) and Council Resolution of 11 July 1983 concerning 'Vocational training policies in the European Community in the 1980s' (Official Journal C 193, 20. 7. 1983 p. 2) illustrate the particular attention which has been paid by the Community institutions to the availability and improvement of vocational training throughout the Community. They are undoubtedly in part based on the desire to improve the quality and standard of living of workers within the Community and thereby to promote the development and expansion of the economy. They are equally, it seems to me, directed at ensuring that there should be mobility for labour within the Community. It seems to me that if a person wishes eventually to work in another Member State (and to exercise his rights under Article 48) or to establish himself in another Member State (and to exercise his rights under Article 52) or to provide services (and to exercise his rights under Article 59 as the provider of services) in a particular form of employment, he may well need to take a course or to obtain a qualification in that Member State. This may be just as true of skilled and unskilled trades, where particular techniques are used or practices are followed in particular countries, as it is of the professionally qualified man or woman who must satisfy the educational requirements of a professional body or those laid down by the State. To move in order to qualify, whether by a formal diploma or by the experience of undergoing a course of training, is a necessary incident of the right to move to work in a particular country. The one is preliminary to the other, and I would regard such form of vocational training as falling within 'the scope of the application of the Treaty' within the meaning of Article 7. There must not be discrimination on the grounds of nationality in regard to the terms upon which students from the Member States can undergo such vocational training.

I do not, however, regard the desire to qualify in a particular Member State in order to take up employment or to set up a business, trade or profession there as being the only aspect of vocational training falling within the scope of application of the Treaty, though it seems to me to be the one which most clearly does fall within it.

There may be subjects which are not taught in whole or in part in some Member States; in the institutions of one Member State a

subject may be better taught than in the institutions of the Member State of which the would-be student is a national; there may be advantages in some technical subjects for the student to undergo training in institutions in two different Member States using different methods. These are only examples, but if the student is to enjoy full mobility as a worker once qualified, or as a person seeking to establish himself, he may be assisted, or even find it is necesary to go outside his own Member State to train or qualify. He would no doubt have such rights once he qualified as a worker and moved to another Member State to take up employment or if he had set up a business in another Member State. It seems to me that as an incident of his right to move as a worker he has equally the right not to be discriminated against on the grounds of nationality if he seeks to move in the course of his training both before and after he actually begins to work.

For the purposes of Article 7 I would regard vocational training as falling generally within the scope of the application of the Treaty, whether or not the student has already decided that he wishes to work or establish himself in another Member State than his own, and without requiring him to show that there was any objective reason why he had chosen a particular school or country to carry out his training.

If a student is or would be accepted for a course subject only to paying the extra fees for non-nationals in respect of vocational training, in my view he is to be regarded as entitled to take up the course without paying the discriminatory fee and without having to show otherwise that he is 'lawfully established' within the particular Member State.

In answer to the second question (which becomes relevant if this approach to the first question is accepted) it seems to me that education which prepares for and leads directly to a qualification for a particular profession, trade or employment, or which provides the necessary training and skills for such profession, trade or employment, where no formal qualification is required, and which is over and above that given by general education is vocational training. Such training is not limited to manual or practical trades but includes all professions, trades and employments. It is not limited, either, to further or advanced training for those already engaged in the employment in question.

Although general education features in the Community documents which have been referred to by the parties, it does not seem to me that there is a clear link between that and Articles 48 or 52 or any other provision than Article 59 (which I consider next) of such a kind that, on the arguments presented in this case, it is possible to say that general education falls within the scope of the application of the Treaty so as to bring into force the prohibition contained in Article 7.

In the present case it is for the national court to decide whether the course in question is one of vocational training. On the facts stated and in the agreed material it seems likely to be so. If the Court is of the opinion that Miss Gravier has established that it is vocational training and that discrimination in respect of fees on the grounds of nationality is prohibited by Article 7 of the Treaty read with

Articles 48, 52 and 59 in respect of such vocational training, then it would not seem necessary for the Court to consider the major argument put forward that this differential is in any event in breach of Article 59. Lest the Court conclude that Article 7 does not apply, I must, however, consider it.

Restrictions on freedom to provide services were to be abolished by the end of the transitional period 'in respect of nationals of Member States who are established in a State of the Community other than that of the person for whom the services are intended'. In *Luisi and Carbone* the Court held that, in order to enable the services to be provided, the person for whom the services are intended may go to the State in which the person providing the services is established. This was the necessary corollary of the right of the person giving the services which is expressly mentioned in Article 60 of the Treaty, which fulfils the objective of liberalizing 'all gainful activity' not covered by the free movement of goods, persons and capital. Council Directive No 73/148 of 21 May 1973 (Official Journal 1973 L 172 p. 14) grants both the provider and the recipient of services a right of residence coterminous with the period during which the service is provided. In the result it was held in that case that the freedom to provide services included the freedom of the recipent of services to go to another Member State in order to receive the services there, without being obstructed by restrictions, even in relation to payments, and that tourists, persons receiving medical treatment and persons travelling for the purposes of education or business are to be regarded as recipients of services. Restrictions on payments relating to services including education were to be abolished before the end of the transitional period.

It is said that, accordingly, since education is a service, Miss Gravier was entitled to go to Liège to take her course with no restrictions on her right to receive them. In particular she could not be discriminated against by being charged a higher fee than that charged to Belgian students. That education is a service is said to be further shown by the Sixth VAT directive which allows education to be exempted from services otherwise liable to the charge.

By Article 60 of the Treaty, services are to include activities of an industrial and commercial character and activities of craftsmen and the professions. It seems to me that, since that is not an exclusive definition, education is clearly capable of constituting a service subject to other provisions of the Article.

The first paragraph of Article 60 provides, however, that services shall 'be considered to be "services" within the meaning of this Treaty where they are normally provided for remuneration in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons'.

The Court has already held that certain activities are services within Articles 59 to 66 of the Treaty only in so far as they constitute economic activities by reference to Article 2 of the Treaty (Cases 36/74 *Walrave* v *Union Cycliste Internationale* [1974] ECR 409 and 13/76 *Donà* v *Mantero* [1976] ECR 133).

It is argued that those who provide education are normally paid, therefore the services they render are 'normally provided for remuneration' and it is irrelevant who pays. This may be right in respect of private education in an institution run for profit,

but the real question is whether education in a school wholly or partly financed by the State, where the student pays nothing or a fee which is only a part, and perhaps a very small part, of the cost of providing the tuition, is to be regarded as a service within the definition.

Reliance is placed by the applicant on the Opinion of Mr Advocate General Warner in Case 52/79 *Procureur du Roi* v *Debauve* [1980] ECR 833 at p. 876 where he regarded the service in question as being a service of a kind to which the Treaty applies 'no matter from whom in any particular case payment may come or may not come'. He was, however, concerned in that case with television programmes financed either by licence fees paid by those who had televion sets or by fees from advertisers. It does not seem to me that he had in mind the present question where the State pays for what is said to be a service out of State taxes.

Whether education is public or private does not, of course, necessarily change the nature of the service provided, so that it is arguably right to ask which is 'normal' — education for remuneration or education nor for remuneration — and to decide according to the answer whether education is generically a service within the meaning of the Treaty. If 'normally' means 'most frequently' then the answer throughout the Community is probably that education is most frequently provided by the State, although it is also not infrequent and in some contexts is normal, in the ordinary meaning of the word, for education to be provided to those who or whose parents pay the economic cost. The same result seems to me to flow if 'normally' means 'usually' rather than 'most frequently'.

In the end I am not satisfied that it is the right approach to take this generic view. Some education is provided as part of an economic activity with the aim of covering costs and making a profit. For that kind of education to be a service it is not necessary that the student himself should pay. It is sufficent if someone else pays fees approximating to the economic cost.

State education is not, however, provided as an economic activity with a view to recovering costs and making a profit, but as a matter of social policy, and the State bears the cost of all or a major part of the cost of tuition. Such education is not in my view provided 'for remuneration' within the meaning of Article 60. Accordingly, even if the nature of the services is similar, their economic classification is different. I would accordingly not regard education provided, or substantially provided, by the State as being a service for the purposes of the Treaty. The fact that the student pays something is not enough to convert it into a service. I take the view, however, that education provided by a private organization with a view to profit is a service.

If it is wrong to divide up the two methods of providing education in this way, then it seems likely to follow, though it is a question of fact, that education is normally, i.e. most frequently or usually, provided other than for remuneration within the meaning of the Treaty. That seems to me, however, to be an artificial result and to be inconsistent with the decision in *Luisi* and *Carbone*, which, although it did not in any event decide the essential question in this case, plainly contemplated that some, but

did not decide that all, education is a service within the meaning of the Treaty.

To have regard to the economic nature as well as the intrinsic nature of the services provided in education seems to me to be justified. It is I think supported by the provisions of Article 58 of the Treaty (incorporated in Chapter 3 by Article 66). That Article excludes from companies or firms who are to be treated in the same way as natural persons who are nationals of Member States, companies or firms which are non-profit making. Such a non-profit-making company does not have the right of establishment or to provide services without restriction in other Member States. The corollary is that the potential recipient of the services does not have the right under the Treaty to go to them for the services without restriction. In this context the relevant question is not whether the body concerned does make a profit but whether it aims to do so as the French text ('à l'exception des sociétés qui ne poursuivent pas de but lucratif') makes clear.

Since State education is substantially supported by revenues from resident nationals, there is force in the argument that it is not discriminatory to require those who do not contribute directly or indirectly to the common weal to make some contribution. This is not, however, the present case since the charge is not required for non-tax-paying nationals and certain other classes who do not or may not contribute to the cost of the education in any way.

It was suggested that education of the kind envisaged here cannot constitute a service because services are essentially of short duration and no longer right of residence is given. This seems to me the wrong approach. The right of residence must be limited to the duration of the course — which must be an effective and genuine course — to give any rights in so far as education does constitute a service, as Directive No 73/148 shows.

The Court's attention has been drawn to the possible effect of the decision in this case on other matters and particularly on maintenance grants. Nothing in this Opinion so far is intended to deal with maintenance grants as opposed to the charging of fees for tuition. The Court does not have sufficient evidence of the basis on which they are awarded throughout the Community to form a view upon them. In any event, it seems to me *prima facie* that there is a basic distinction between (a) fees for tuition charged by the institution which provides the tuition and (b) grants by the State or by local authorities to students for their maintenances, when the accomodation and meals are not provided by the State itself. Even if the person providing those services were required not to discriminate on grounds of nationality against students of other Member States, the making of the maintenance grants does not seem to me to be a service for the purpose of Articles 59 and 60.

Accordingly, however desirable it may be thought that general education should be generally available to students throughout the Community on equal terms, it does not seem to me despite the arguments of the Commission that that position has yet been reached.

In the result, however, I am of the opinion that

(1) It is contrary to Article 7 of the EEC Treaty, read with Articles 48, 52 and 59, for institutions providing vocational training (but not other forms of education) in one Member State to discriminate on the grounds of nationality in respect of fees charged against nationals of other Member States of the Community who are there for the sole purpose of undertaking such vocational training.

(2) Vocational training is such form of education as prepares for and leads directly to a qualification for a particular profession, trade or employment or which provides the necessary training and skills for such profession, trade or employment where no formal qualification is available, and which is over and above that given by general education. Such training is not limited to manual or practical trades but includes all professions, trades and employments; it includes the training of students who have not yet begun to work and those who are already in employment.

The costs of the parties to the main proceedings fall to be dealt with in those proceedings. No order should be made as to the costs of the other parties.