OPINION OF MR ADVOCATE GENERAL LENZ
delivered on 24 October 1991 *

Mr President,
Members of the Court,

1. The view taken in this case by the French courts and the Commission on the question referred by the Cour d'Appel (Court of Appeal), Chambéry, on the interpretation of Article 48 of the EEC Treaty and Article 7 of Regulation No 1612/68 [1] appears to me to be entirely convincing.

2. It is not necessary for me now to elaborate on that in detail but I would refer to the Report for the Hearing and to the oral argument just presented for particulars of their submissions:

— on the status of a trainee as a worker (with whose treatment under social security law the main proceedings are concerned);

— on the prohibition, under Article 48 of the EEC Treaty and Regulation No 1612/68, of disadvantaging nationals of other Member States (which includes covert discrimination);

— and on the fact that in the field of freedom of movement for workers matters do not turn on conventions between Member States;

and for particulars of the considerations, put forward in the alternative, relating to the application of Article 7 of the EEC Treaty in the field of vocational training.

Conclusion

3. Accordingly, and since the appellant in the main proceedings has not succeeded in putting forward convincing counter-arguments as to how the problems submitted to the Court should be dealt with, the question referred to the Court by the Cour d'Appel, Chambéry, must be answered as follows:

* Original language: German.

1 — OJ, English Special Edition, 1968(II), p. 475.

Article 48 of the EEC Treaty and Article 7 of Regulation No 1612/68 must be interpreted as meaning that they preclude national rules which, in the Member States which apply them, result in employers who employ as workers within the meaning of Community law trainees educated in another Member State paying higher social security contributions than they would if they employed trainees whose vocational training took place under a special national scheme.