

**Operative part of the judgment**

The Court:

1. declares that by maintaining provisions under which the age at which officials have the right to receive the old-age pension varies according to whether they are men or women, the Italian Republic has failed to fulfil its obligations under Article 141 EC;
2. orders the Italian Republic to pay the costs.

(<sup>1</sup>) OJ C 82, 14.4.2007.

**Judgment of the Court (Grand Chamber) of 18 November 2008 (reference for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — Jacqueline Förster v Hoofddirectie van de Informatie Beheer Groep**

(Case C-158/07) (<sup>1</sup>)

*(Freedom of movement for persons — Student who is a national of one Member State and goes to another Member State to follow a training course — Student maintenance grant — Citizenship of the Union — Article 12 EC — Legal certainty)*

(2009/C 6/06)

Language of the case: Dutch

**Referring court**

Centrale Raad van Beroep

**Parties to the main proceedings**

Applicant: Jacqueline Förster

Defendant: Hoofddirectie van de Informatie Beheer Groep

**Re:**

Reference for a preliminary ruling — Centrale Raad van Beroep — Interpretation of Article 12 EC, Article 18 EC, Article 7 of Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State (OJ, English Special Edition 1970 (II), p. 402), and Article 3 of Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students (OJ 1993 L 317, p. 59) — Student who is a national of one Member State and goes to another Member State to follow a training course, at the same time working as an employed person in the second Member State but who has, meanwhile, ceased that employment.

**Operative part of the judgment**

1. A student in the situation of the applicant in the main proceedings cannot rely on Article 7 of Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State in order to obtain a maintenance grant.
2. A student who is a national of a Member State and travels to another Member State to study there can rely on the first paragraph of Article 12 EC in order to obtain a maintenance grant where he or she has resided for a certain duration in the host Member State. The first paragraph of Article 12 EC does not preclude the application to nationals of other Member States of a requirement of five years' prior residence.
3. In circumstances such as those of the main proceedings, Community law, in particular the principle of legal certainty, does not preclude the application of a residence requirement which makes the right of students from other Member States to a maintenance grant subject to the completion of periods of residence which occurred prior to the introduction of that requirement.

(<sup>1</sup>) OJ C 117, 26.5.2007.

**Judgment of the Court (Third Chamber) of 20 November 2008 (Reference for a preliminary ruling from the Supreme Court — Ireland) — The Competition Authority v Beef Industry Development Society Ltd, Barry Brothers (Carrigmore) Meats Ltd**

(Case C-209/07) (<sup>1</sup>)

*(Competition — Article 81(1) EC — Concept of an 'agreement having as its object the restriction of competition' — Agreement to reduce production capacity — Beef and veal)*

(2009/C 6/07)

Language of the case: English

**Referring court**

Supreme Court

**Parties to the main proceedings**

Appellant: The Competition Authority

Respondents: Beef Industry Development Society Ltd, Barry Brothers (Carrigmore) Meats Ltd