

## JUDGMENT OF THE COURT

of 2 February 1988

in Case 309/85 (reference for a preliminary ruling made by the Tribunal de Première Instance, Liège): Bruno Barra and Others v. Belgian State and City of Liège <sup>(1)</sup>  
*(Non-discrimination — Access to higher education and university education — Repayment of amounts unduly paid)*

(88/C 60/07)

*(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 309/85: reference to the Court under Article 177 of the EEC Treaty by the President of the Tribunal de Première Instance [Court of First Instance], Liège, for a preliminary ruling in the interlocutory proceedings pending before that court between Bruno Barra, a student, residing in Bonnetable (France), and 16 other students, on the one hand, and the Belgian State and the City of Liège, on the other — in particular on the interpretation of Article 7 of the EEC Treaty — the Court, composed of Lord Mackenzie Stuart, President, G. Bosco, O. Due, J. C. Mointinho de Almeida and G. C. Rodríguez Iglesias (Presidents of Chambers), T. Koopmans, U. Everling, K. Bahlmann, Y. Galmot, C. N. Kakouris, R. Joliet, T. F. O'Higgins and F. A. Schockweiler, Judges; Sir Gordon Slynn, Advocate General; D. Louterman, Administrator, acting as Registrar, gave a judgment on 2 February 1988, the operative part of which is as follows:

1. *The interpretation of Article 7 of the EEC Treaty laid down by the Court in its judgment of 13 February 1985 in Case 293/83 (Gravier v. Belgian State, [1983] ECR 606) is not limited in scope to applications for admission to vocational training courses made after the delivery of that judgment and applies also to the period before that date.*
2. *Under Community law, pupils and students from other Member States who have been improperly obliged to pay a registration fee may not be deprived by national legislation of their right to repayment if they did not bring legal proceedings for repayment before the delivery of the aforesaid judgment on 13 February 1985.*

<sup>(1)</sup> OJ No C 286, 9. 11. 1985.

## JUDGMENT OF THE COURT

of 4 February 1988

in Case 113/86: Commission of the European Communities v. Italian Republic <sup>(1)</sup>  
*(Communication of statistical data in the eggs and poultry sector)*

(88/C 60/08)

*(Language of the case: Italian)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 113/86: Commission of the European Communities (Agent: Gianluigi Campogrande) v. Italian Republic (Agent: Luigi Ferrari Bravo, assisted by Pier Giorgio Ferri, Avvocato dello Stato) — application for a declaration that the Italian Republic has failed to fulfil its obligations under Article 10 of Regulation (EEC) No 2782/75 of the Council of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks (Official Journal 1975 No L 282, p. 100) and Articles 4 (1) and 6 of Commission Regulation (EEC) No 1868/77 of 29 July 1977 laying down detailed rules of application for Regulation (EEC) No 2782/75 (Official Journal 1977 No L 209, p. 1) — the Court, composed of G. Bosco, President of Chamber, acting as President, O. Due (President of Chamber), U. Everling, K. Bahlmann, R. Joliet, T. F. O'Higgins and F. A. Schockweiler, Judges; J. L. da Cruz Vilaça, Advocate General; B. Pastor, Administrator, for the Registrar, gave a judgment on 4 February 1988, the operative part of which is as follows:

1. *By failing to transmit within the prescribed period the statistical data provided for in Article 10 of Regulation (EEC) No 2782/75 of the Council and in Articles 4 (1) and 6 of Commission Regulation No 1868/77, the Italian Republic has failed to fulfil its obligations under the EEC Treaty;*
2. *The Italian Republic is ordered to pay the costs.*

<sup>(1)</sup> OJ No C 152, 18. 6. 1986.