

## Commission takes the Netherlands to court on discriminatory student grants

***The European Commission is taking the Netherlands to the European Court of Justice over a student grant scheme which discriminates against workers from other EU countries and their families. Dutch legislation imposes a residence requirement for grants to study abroad which puts migrant and frontier workers – including those residing in neighbouring Belgium – at a disadvantage compared to nationals.***

"Free movement is a founding principle of the EU which ensures people are not discriminated against on the basis of nationality. Grants to study abroad are a social advantage which should be allocated without discrimination to migrant and frontier workers and their children," said Vladimír Špidla, EU Commissioner for Employment and Social Affairs. "The Netherlands has failed to modify its rules and respect the right to equal treatment so we are now bringing a case before the Court of Justice," he added.

The Dutch law on student finance (*Wet Studiefinanciering* or *WSF*) provides that in order to obtain funding to study abroad, the student must have legally resided in the Netherlands for at least three of the previous six years (the '3 out of 6' requirement). The Commission considers that this requirement is contrary to Community law on free movement, which says that migrant workers and their families should enjoy the same social advantages as nationals. Study financing awarded to students for maintenance is a social advantage which should be granted without discrimination.

The residence condition risks placing migrant workers and their families at a disadvantage, even if it applies to nationals and non-nationals alike: naturally, such a condition can be more easily met by national workers and their families than those from other EU countries. In particular, it disadvantages frontier workers and their children: by definition, they reside in another country than the country of employment which makes it impossible to fulfill the '3 out of 6' years residence criterion. This is a particular issue for those residing in neighbouring countries such as Belgium.

The Commission sent the Netherlands a reasoned opinion on 14 April 2008 (under Article 226 of the Treaty) inviting the Netherlands to fulfil its obligations under Community law. The Netherlands did not comply with the opinion. The Commission has thus decided to bring the matter before the ECJ.

### Further information

Free movement – EU nationals

<http://ec.europa.eu/social/main.jsp?catId=457&langId=en>

Subscribe to the European Commission's free e-mail newsletter on employment, social affairs and equal opportunities

<http://ec.europa.eu/social/e-newsletter>