



EUROPEAN COMMISSION - PRESS RELEASE

Free movement of workers: Commission asks Luxembourg to end discrimination in access to study grants and allowances

Brussels, 27 February 2012 – The European Commission has requested Luxembourg to end discrimination against migrant workers and members of their families in accessing study grants, financial aid for volunteers and the so-called allowances of 'boni pour enfant'. Following several citizen complaints received in 2010, the European Commission started its investigation on a piece of legislation adopted in 2000 that imposes a residence condition for access to these benefits. This condition amounts to indirect discrimination on the grounds of nationality as it is likely to affect EU workers more than national workers and may put the migrant workers at a disadvantage. It therefore breaches EU law on free movement of workers. The request takes the form of a 'reasoned opinion' under EU infringement procedures. Luxembourg now has two months to reply. If the reply is not satisfactory, the Commission may decide to refer Luxembourg to the EU's Court of Justice.

Background

EU rules on free movement of workers ([Regulation EU No 492/2011](#)) provide that EU migrant workers must be given access to social and tax advantages in the host country without being discriminated against on the basis of their nationality. According to the jurisprudence of the EU's Court of Justice, a residence condition constitutes indirect discrimination on the grounds of nationality.

Indirect discriminations may be accepted if they are justified by a legitimate aim, are suitable to attain that aim and are proportionate.

Further information

EU Free movement of workers:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=25>

For more information on infringement procedures:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

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