

C-212/06 Walloon Government [2008] ECR I-01683

Facts: A care insurance scheme gave the right to reimbursement by a care insurance fund of the costs of help and non-medical services for people with serious and prolonged disability was offered by the Flemish government to all Dutch-speaking residents. While the scheme was open to residents in other Member States who were working in the Flemish-speaking region, Belgian nationals residing in the French-speaking region of Belgium but working in the Dutch-speaking region could not benefit. The question was whether this was a wholly-internal situation.

In respect of this, Advocate General Sharpston had said that the wholly internal rule had to be reconsidered in light of the case law on Art. 30 TFEU which applied to both national and regional frontiers, to give effect to the idea that the internal market should be an area without internal frontiers, as well as the laws on citizenship which challenged the rule entirely.

Held: The Court held that Union law does not apply to purely internal situations. In particular, citizenship was not intended to extend the material scope of the Treaty to internal situations which have no link with Community law. These conclusions, however, did not change the fact that the interpretation of provisions of Community law could possibly be of use to the national court, having regard to situations classed as purely internal, in particular if the law of the Member State concerned were to require every national of that State to be allowed to enjoy the same rights as those which a national of another Member State would derive from Community law in a situation considered to be comparable by that court.