

C-268/99 Jany [2001] ECR I-8615

Facts: Two Polish women and four Czech women sought to challenge decisions by the Secretary of State of the Netherlands refusing them residence permits. They contended that they were self-employed prostitutes paid rent to the owner of the premises and received a monthly income which they declared to the tax authorities.

Held: The Court considered them to be self-employed and capable of falling under the expression of freedom of establishment in Art. 49 TFEU. While it was left to the national court to decide, the elements required to gain status as a self-employed person would be that the person providing the service is doing so outside any relationship of subordination concerning the choice of that activity, working conditions and conditions of remuneration under that person's own responsibility and in return for remuneration paid to that person directly and in full.