

Case C-456/02 Trojani [2004] ECR I-7573

Facts: The applicant worked for a hostel for 30 hours a week as part of a personal reintegration programme. Instead of paid remuneration, he received benefits in kind. He sought to obtain permanent leave of residence by appealing to his status as a worker under Art. 45 TFEU.

Held: It was for the national court to decide whether the work was a real and genuine paid activity. To do so it was imperative to use objective criteria and make an overall assessment of all the circumstances of the case relating to the nature both of the activities concerned and of the work relationship at issue. This meant taking into account the status and practices of the hostel, the content of the social re-integration programme, and the nature and details of performance of the services.