

Case 186/87 Cowan [1989] ECR 195

Facts: A UK national was visiting France for a brief trip. On his way out of a metro station in Paris, he was violently assaulted. As his assailants could not be identified, the applicant sought to recover compensation for criminal injuries from a state authority which by law could grant compensation in such circumstances, but only to French nationals. The applicant therefore argued that this national law contravened the prohibition against discrimination enshrined in EU law.

Held: The prohibition against any discrimination on grounds of nationality in the Treaties created the expectation that persons in a situation governed by Community law would find themselves on equal footing with nationals of the host Member State. Therefore, France was precluded from making the grant of a right to such a person subject to the condition that he reside on the territory of that State, as this was not a condition imposed on French nationals. Moreover, the right to protection against the risk of assault and the right to obtain compensation were corollary rights to the freedom to move in so far as they were available to nationals of the host Member State.