

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

**Facts:** The applicant was a French national working for a short period of time in Belgium. Specifically, he 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, such as accommodation and some pocket money. He sought to receive the Belgian 'minimex', on the grounds that he had to pay a substantial amount of money to the hostel and should be able to live independently. The Belgian authority refused on the grounds that the applicant was not of Belgian nationality.

**Held:** Firstly, 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.

Secondly, the Art. 20 TFEU provided for a right to reside in the territory of another Member State irrespective of his status as a worker. Any limitations to this right would have to be applied in compliance with the limits imposed by Community law and in accordance with the general principles of that law, in particular the principle of proportionality. Here the restriction was not disproportionate. If the applicant had been able to establish a right to residence, then he would be able to apply (and could expect to be granted) the minimex.