

**Case C-184/99 Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve and [2001] ECR I-06193**

**Facts:** The applicant was a French national who studied in Belgium, where he resided. During his first three years at his University, he paid for his own maintenance by working and obtaining credit facilities. At the start of his final year, he applied for the 'minimex' (a residual social allowance). The relevant body authorised him to be granted the minimax, but the governmental authority responsible for reimbursing that body refused to on the grounds that the legal requirements for the grant of the minimex, and in particular the nationality requirement, had not been satisfied, whereupon the body granting the minimax refused it to the applicant.

The tribunal hearing this case at first instance concluded that it fell within the remit of EU law, referring to the judgment of the Court of Justice in Case C-85/96 Martínez Sala [1998] ECR I-2691 and querying whether the principles of European citizenship and non-discrimination precluded application of the national legislation at issue in the main proceedings.

**Held:** The case did concern the exercise of the fundamental freedoms guaranteed by the Treaty and those involving the exercise of the right to move and reside freely in another Member State. Now all cases had to also be reviewed in light of the introduction of citizenship at Maastricht. In particular, Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.

Therefore, the fact that a Union citizen was studying in a Member State other than the State of which he is a national would not, of itself, work to deprive him of the possibility of relying on the prohibition of all discrimination on grounds of nationality laid down in the Treaty. While the Member States had discretion to set requirements for the obtainment of such social assistance, those measures could not then constitute the automatic refusal of a student who is a national of another Member State having recourse to the host Member State's social assistance system on the basis of his nationality alone.

What was required, given the human circumstances at hand, was a deliberate and careful assessment of the individual situation of the applicant at the time his situation became difficult, not ab initio by virtue of his nationality.