

Case C-46/12 L. N. v Styrelsen for Videregående Uddannelser og Uddannelsesstøtte [2013]

Facts: The applicant was an EU citizen who entered Denmark and obtained a certificate of registration in order to pursue full-time employment. The applicant also applied for further education, and sought education assistance. The relevant authority rejected his application as he was not a worker. The applicant contended, by contrast, that he had the status of ‘worker’ within the meaning of Article 45 TFEU and was entitled to education assistance. At some point during his appeal, the governmental administration regulation his status of worker deemed him to be a student, on the basis that his principal objective for coming into the country was to study.

The question was whether Directive 2004/38 provided that an EU citizen who was in pursuit of a course of studies in a host Member State whilst at the same time being in employment could be refused maintenance aid for studies granted to the nationals of that Member State where he entered the territory of that State with the principal intention of pursuing a course of study.

Held: The Court re-asserted its basic premise, following Case C-184/99 *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve* [2001] ECR I-06193, that 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. As a result of this, Union citizens could rely on the prohibition of discrimination on grounds of nationality laid down in Article 18 TFEU, provided for in other Treaty provisions and in Article 24 of Directive 2004/38, in all situations falling within the scope *ratione materiae* of European Union law. The derogation from this, provided for in the Directive, could not be applied against persons having acquired a right of permanent residence or to ‘workers, self-employed persons, persons who retain such status and members of their families’.

Therefore, the Directive 2004/38 must be interpreted as meaning that a European Union citizen who pursues a course of studies in a host Member State whilst at the same time pursuing effective and genuine employment activities such as to confer on him the status of ‘worker’ within the meaning of Article 45 TFEU may not be refused maintenance aid for studies which is granted to the nationals of that Member State. Whether this was the case was a question for the national courts.