

Case C-158/07 Förster [2008]

Facts: The applicant was a German national, living in the Netherlands. She began her studies and maintained enough employment activities allowing her to obtain a grant from the IB-Groep to finance her higher education. Upon review, the administrative body considered that for a period of 6 months, the applicant had not been in paid employment and so annulled the decision relating to the maintenance grant awarded for this period, requesting in addition the repayment of the excess amounts.

The applicant was unsuccessful on appeal too, as she could not show she did have any real and genuine enjoyment in the pertinent period and also because she could not be regarded as being sufficiently integrated in the Netherlands and was not therefore entitled to the maintenance grant, in accordance with the policy rule adopted by the IB-Groep. That policy required her to have been lawfully resident in the Netherlands for at least five years before making any application for a maintenance grant.

Held: A national of a Member State who lives in another Member State to pursue a training course there is covered by the freedom of movement of citizens and the principle of non-discrimination on the basis of nationality. These provisions work to require the host State to award to the nationals of other Member States the same maintenance grants as those awarded to its own nationals. However, following the principles laid down in Case C-209/03 *Bidar* [2005], the Member State could require a certain level of integration of the national in the host Member State, in order to prevent the grant of assistance to cover the maintenance costs of students from other Member States from becoming an unreasonable burden which could have consequences for the overall level of assistance which may be granted by that State. The 5-year residency requirement was considered to be justified and proportionate.