

Case C-209/03 Bidar [2005]

Facts: The applicant was a French national living in the UK with his grandmother. He had followed his mother to the UK as she was to undergo medical treatment there. He proceeded to study at university in the UK. He funded his tuition fees with a student loan but was refused financial assistance to cover his maintenance costs, on the basis that he was not settled in the UK.

He contended that by making the grant of a student loan to a national of a Member State conditional on his being settled in the United Kingdom, the Student Support Regulations introduced discrimination prohibited under the Treaty's provisions on non-discrimination.

The Secretary of State for Education and Skills contended, by contrast, that the provision of assistance for maintenance costs, whether in the form of a grant or a loan, would not fall within the scope of EU law's protection. Moreover, if all nationals of other Member States studying in the UK requested this grant, it would be a disproportionate burden on the state.

Held: In deciding whether EU law applied, the Court restated the adage in Case C-184/99 *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve* [2001] ECR I-06193: 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. These rights would not be limited simply because the applicant was a student.

Following Case C-456/02 *Trojani* [2004] ECR I-0000, a citizen of the Union who was not economically active could rely on the principle of non-discrimination in the Treaty where he has been lawfully resident in the host Member State for a certain time or possesses a residence permit, which would allow receipt of the social assistance benefits available to the Member State's nationals. This did not prohibit a Member State from placing restrictions on the grant, such as requiring a genuine link to that Member State, but that criterion would have to apply to all applicants for receipt of the relevant social assistance.