

EN

P-001191/2025

Answer given by Mr McGrath

On behalf of the European Commission
(26.5.2025)

The Commission is not aware about the situation described by the Honourable Member. It appears that the cases concern Romanian students, who study and at the same time work in the Netherlands.

According to EU law, Article 24(2) of Directive 2004/38¹, only economically active mobile EU citizens or those having permanent resident status, along with their family members, are entitled to equal treatment with nationals regarding student grants and loans.

According to Regulation (EU) No 492/2011² on free movement of workers, a benefit like student grant is a social advantage for EU mobile workers covered by equal treatment under that Regulation³ and should be granted to EU mobile workers under the same conditions as to own nationals.

According to the case law of the Court of Justice of the European Union (CJEU), the term ‘worker’ has a meaning in EU law and cannot be subject to national definitions or be interpreted restrictively. It covers any person who undertakes genuine and effective work for which he is paid under the direction of someone else. It is the responsibility of the national authorities to undertake, in the light of that definition, a case-by-case evaluation to establish whether those criteria are met⁴. EU law on free movement of workers, Article 45 Treaty on the Functioning of the European Union and Regulation (EU) 492/2011 on the freedom of movement for workers within the EU are directly applicable, allowing EU mobile workers to invoke these rights before national authorities and courts if their rights are not respected.

National authorities and courts are best placed to assess each case and apply EU law taking into account specific circumstances of each individual case.

¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02004L0038-20110616>.

² Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011R0492-20210801>.

³ Article 7 paragraph 2 of Regulation (EU) No 492/2011.

⁴ Communication from the Commission Reaffirming the free movement of workers: rights and major developments, COM(2010)373 final, Chapter 1.1, page 4. - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010DC0373>.