

Subject-matter concerned	<input checked="" type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	30 October 2009
Deciding body (in original language)	Centrale Raad van Beroep
Deciding body (in English)	Dutch Administrative High Court
Case number (also European Case Law Identifier (ECLI) where applicable)	ECLI:NL:CRVB:2009:BK3113
Parties	A Belgian student , appellant, v the Board of Directors of the Information Management Group (Informatie Beheer Groep) (<i>appellant en de hoofddirectie van de Informatie Beheer Groep</i>)
Web link to the decision (if available)	https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:CRVB:2009:BK3113&showbutton=true&keyword=ECLI%3aNL%3aCRVB%3a2009%3aBK3113
Legal basis in national law of the rights under dispute	Article 3.27, paragraph 4 and Article 7.1 of the Act on Study Grants (<i>Wet studiefinanciering 2000</i>), about the rights of the Information Management Group to reverse a decision to give someone a study grant and the right to travel for free by public transport during weekdays when studying, due to the fact that a student was not entitled to this grant and the public transport facility.

	The Netherlands, Student Grants Act 2000 (<i>Wet studiefinanciering 2000</i>), 29 June 2000
Key facts of the case (max. 500 chars)	A Belgian student received a study grant for the study of dentistry on the basis of the fact that he had worked for a specific number of hours in the Netherlands. He therefore was regarded as a migrant worker and was entitled to this grant in addition to the right to travel for free by public transport during weekdays in the context of his study. The Information Management Group checked his situation and then found out that he had not worked, so his grant, amounting to € 5,388.56 and the value of travelling for free, amounting to € 1,564.- had to be paid back. When the student claimed that he was, however, also entitled to the grant and the travelling on the basis of the fact that he had been integrated in the Netherlands, the Information Management Group said that he should have lived in the Netherlands for at least five years, which had not been the case here. The Court states that Article 12 EC does not prohibit this requirement in the context of giving support to students to pay for their livelihood. However, on the basis of Community law the Belgian student is entitled to the part of the full study grant that is meant to cover the costs which have to do with access to Dutch education on the same footing as students with the Dutch nationality. This does not entail that he is also entitled to travelling for free. He is therefore entitled to a grant amounting to the costs in regards to study mentioned above. In the meantime, the Information Management Group has already decided in his favour in this respect.
Main reasoning / argumentation (max. 500 chars)	Community law does not imply that the Management Information Group cannot require that students are migrant workers in order to give them a study grant and free travelling during the weekdays by public transport, or require that they have lived in the Netherlands for at least five years, so that they are entitled to these benefits on the basis of their integration. EU law does imply, however, that students from other EU Member States are entitled to a study grant which covers the costs which have to do with access to Dutch education on the same footing as Dutch students.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Students from EU Member States are entitled to a study grant which has to do with access to Dutch education on the same footing as Dutch students, but they are not entitled to travel freely during weekdays by public transport. Migrant workers who study in the Netherlands and students from other EU Member States who are integrated in the Netherlands, i.e. they have lived here for at least five years, are entitled to a study grant and free travel during weekdays by public transport.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	Students from EU Member States are entitled to a study grant related to access to Dutch education on the same footing as Dutch students, but they are not entitled to travel freely during weekdays by public transport.

<p>Key quotations in original language and translated into English with reference details (max. 500 chars)</p>	<p>7.4. Dat de IB-Groep bevoegd was om te herzien, laat onverlet dat zij niet bevoegd was om de eerdere toekenning aan appellant geheel ongedaan te maken en dat het besluit op bezwaar van 30 november 2006 in zoverre onrechtmatig is. Immers, ingevolge het Gemeenschapsrecht heeft appellant onder gelijke voorwaarden als studerenden met de Nederlandse nationaliteit recht op het gedeelte van de volledige studiefinanciering dat is bedoeld ter dekking van de kosten van verbonden aan de toegang tot het onderwijs (de zogenoemde Raulin-vergoeding). . . . Wel wijst de Raad er . . . op dat dit recht niet tevens inhoudt dat appellant aanspraak had op de OV-studentenkaart.</p> <p>7.4. That the Information Management Group had the power to revise its original decision, does not mean that it was entitled to completely annul the prior allowance to the appellant and to this extent the decision it took on 30 November 2006 after the objections made by the appellant is unlawful. It is clear that Community law lays down that the appellant is entitled to the part of the full study grant which is meant to cover the costs which are related to the access to the education (the so-called Raulin compensation) on an equal footing with students with the Dutch nationality. . . . The Court does point out, however, . . . that this right does not also imply an entitlement to travelling for free during weekdays by public transport.</p>
<p>Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.</p>	<p>No.</p>