

SUMMARY

## **ECJ 10 July 2019, case C-410/18 (Aubriet), free movement**

### ***Nicolas Aubriet – v – Ministre de l’Enseignement supérieur et de la Recherche, Luxembourgish case***

#### **Question**

Must Article 45 TFEU and Article 7(2) of Regulation No 492/2011 be interpreted as precluding legislation of a Member State which makes the grant of financial aid for higher education studies to non-resident students subject to the condition that, at the date of the application for financial aid, one of the parents of the student has been employed or carried on an activity in that Member State for a period of at least five years in the course of a reference period of seven years calculated retroactively from the date of that application for financial aid, excluding the taking into account of any other connecting factor, such a condition not being laid down as regards students residing in the territory of that Member State?

#### **Ruling**

Article 45 TFEU and Article 7(2) of 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 must be interpreted as precluding legislation of a Member State, such as that at issue in the main proceedings, which makes the grant of financial aid for higher education studies to non-resident students subject to the condition that, at the date of the application for financial aid, one of the parents of the student has been employed or carried on an activity in that Member State for a period of at least five years in the course of a reference period of seven years calculated retroactively from the date of that application for financial aid, in so far as it does not permit the existence of any connection with the labour market of that Member State to be understood in a sufficiently broad manner.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2019-07-10

**Case number:** C-410/18