

SUMMARY

ECJ 24 November 2022, case C-638/20 (MCM (Aides financières pour études à l'étranger)), Social Insurance

MCM – v – Centrala studiestödsnämnden, Swedish case

Summary

A Member State can require, in order to provide study grants, that the child of a returned migrant worker has a connection with the Member State of origin, provided that such requirement applies to other nationals as well.

Question

Must Article 7 of Regulation No 492/2011 and Article 45 TFEU be interpreted as precluding legislation of a Member State by which the grant of financial aid for the pursuit of studies in the host Member State, to the child of a person who has left the host Member State in which that person worked in order to return to live in the first Member State, of which he or she is a national, is made subject to the requirement that the child have a connection with the Member State of origin, in a situation where, first, the child has lived since birth in the host Member State and, second, the Member State of origin makes other nationals not satisfying the residence requirement and who apply for such financial aid to study in another Member State subject to the requirement of the existence of a connection?

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 meaning that those provisions do not preclude legislation of a Member State by which the grant of financial aid for the pursuit of studies in the host Member State, to the child of a person who has left the host Member State in which that person worked in order to

return to live in the first Member State, of which he or she is a national, is made subject to the requirement that the child have a connection with the Member State of origin, in a situation where, first, the child has lived since birth in the host Member State and, second, the Member State of origin makes other nationals not satisfying the residence requirement and who apply for such financial aid to study in another Member State subject to the requirement of the existence of a connection.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-11-24

Case number: C-638/20