



University  
of Glasgow

## Free Movement of Persons & Education

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VIA VERITAS VITA

# Education rights

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- Article 156 TFEU – vocational training
- Arts 165 & 166 TFEU

## Article 156

- With a view to achieving the objectives of Article 151 [TFEU (ex-136EC)] and without prejudice to the other provisions of the Treaties, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this Chapter, particularly in matters relating to:
  - employment,
  - labour law and working conditions,
  - basic and advanced vocational training,
  - social securityetc

# Article 165 TFEU

- *Article 165*
- 1. The Union shall contribute to the development of quality education by encouraging
- cooperation between Member States and, if necessary, by supporting and supplementing their
- action, while fully respecting the responsibility of the Member States for the content of teaching
- and the organisation of education systems and their cultural and linguistic diversity.
- + sporting issues

# Article 166 TFEU (ex-150EC)

- 1. The Union shall implement a vocational training policy which shall support and
- supplement the action of the Member States, while fully respecting the responsibility of the
- Member States for the content and organisation of vocational training.

# Background

- *Forcheri v Belgium* 152/82
- Mobile students
- Workers
- Workers' children

# Mobile students/workers

- Meaning of "vocational training"
- Meaning "access"
  
- *Gravier* 293/83
- *Blaizot* 24/86
- *Commission v Belgium* 293/85
- *Raulin* C-357/89

*NB differences between fees & grants*

- *Brown 197/86*
- *Lair 39/86*

### ***Post EU Citizenship***

- *Grzelczyk C-185/99*
- *Bidar C-209/03*



# Workers' families

- Spouses/parents
- children
  - *Echternach & Moritz* 389 & 398/87
  - *Brown* 197/86
  
- Grants to study abroad
  - Land Berlin* C-308/89

# POST -EU CITIZENSHIP CASE LAW

– *Grzelczyk*, C-184/99 [2001] ECR I-6193

ECJ: interpreted Article 21 TFEU (EU Citizenship) as encompassing students and not only economic migrants as there was nothing in the Treaty to suggest students do not qualify as 'citizens'

# Education as a service

- *Humbel* [1988]– State education not a service as not “normally provided for remuneration” – funded by public purse
- Private education? *Worth*

# Advantages of education as a service

- No need to refer to vocational training
- Rights confined to mobile students & workers based on provisions which prohibit **discrimination** directly or indirectly and not on status

**BUT**

Service provisions remove **restrictions**

**The effect of the case law on citizenship**

# Mutual recognition

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- Directives
- *Vlassapoulou* C-340/89