

**Case C-138/02 Collins [2004] ECR I-02703**

**Facts:** The applicant possessed dual Irish and American nationality and came to the UK seeking employment during his studies in the UK. A week after his arrival he claimed Jobseeker's Allowance but was rejected on the basis that he was not habitually resident in the UK. The question referred to the court was whether he could be considered a worker, firstly, and secondly whether he had a right to reside in the UK. The UK and German governments, as well as the European Commissions, intervened, arguing that he could not be considered a worker.

**Held:** The concept of 'worker' could not be interpreted restrictively. A worker could be defined as follows: any person who pursues activities which are real and genuine, to the exclusion of activities on such a small scale as to be regarded as purely marginal and ancillary, must be regarded as a 'worker'. The essential feature of an employment relationship could be defined, according to that case-law, as a relationship during which a person performs services for and under the direction of another person in return for which he received remuneration. Therefore, he was a worker under Community law.

Moreover, as a job-seeker he was entitled to some rights afforded to him by Art. 45 TFEU, which were, however, limited to equal treatment in respect of access to employment. Nevertheless, in light of the establishment of citizenship of the Union and the interpretation in the case-law of the right to equal treatment enjoyed by citizens of the Union, it would no longer be possible to exclude from the scope of the Treaties a benefit of a financial nature intended to facilitate access to employment in the labour market of a Member State.