

Case C- 224/98 D'Hoop [2002] ECR I- 6191

Facts: The applicant was a Belgian national who completed secondary education in France and higher education in Belgium. She subsequently applied for a tideover allowance from the Belgian national employment office. The basis for this refusal was that she had not satisfied all the conditions for the tideover allowance, namely that her baccalaureate from France was not considered to be the Belgian equivalent's standard. Her application relied on her status as an EU citizen, claiming that by living in another Member State she could fall under the protections afforded to EU citizens.

Held: The Court stated that the principles of citizenship would apply to the applicant's case as they had entered into force and so were applicable. To this effect, it was restated that Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for (Case C-184/99 *Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-Louvain-la-Neuve* [2001] ECR I-06193).

Given that a citizen of the Union must be granted in all Member States the same treatment in law as that accorded to the nationals of those Member States who find themselves in the same situation, it would be incompatible with the right of freedom of movement were a citizen, in the Member State of which he is a national, to receive treatment less favourable than he would enjoy if he had not availed himself of the opportunities offered by the Treaty in relation to freedom of movement.

To the extent that national law provided for differential treatment between Belgian nationals who had all their secondary education in Belgium and those who, having availed themselves of their freedom to move, had obtained their diploma of completion of secondary education in another Member State, it would be incompatible with these EU principles of citizenship and non-discrimination.