

TUTORIAL 3

Free Movement of Workers

February 2025

**** essential reading, * important reading, non-starred -> useful reading**

Reading:

Books:

**** Barnard, *Substantive Law of the EU*, OUP, 2022, especially chapters 6, 7 and 12 (in relation to workers).**

Cases:

- **The definition of “Worker”**

75/63 Hoekstra [1964] ECR 177

****53/81 *Lerin* [1982] ECR 1035 (part time employment)**

****66/85 *Lawrie-Blum* [1986] ECR 2121**

196/87 Steymann [1988] ECR 6159

****C-456/02 *Trojani* [2004] ECR I-7573**

*C-350/96 *Clean Car** [1998] ECR I-2521

****Case C-507/12 *Jessy Saint Prix* [2015] ECR I-0000**

****Case C-67/14 *Alimanovic and Others* [2016] ECR I-0000**

- **And work-seekers:**

****292/89 *Antonissen* [1991] ECR I-745**

*C-278/94 *Commission v Belgium** [1996] ECR I-4307

****C-138/02 *Collins* [2004] ECR I-2703**

****Joined Cases C-22/08 and 23/08 *Vatsouras* [2009] ECR I-4585**

****Case C-67/14 *Alimanovic and Others* [2016] ECR I-0000**

****Regulation 492/2011: Arts 3, 4, 5, 6, 7, 8 and 9** (Arts 10 and 11 Regulation 1612/68 have been repealed by Directive 2004/38 and incorporated therein)

**** Directive 2004/38**

Questions

- Discuss the Court's reasoning in *Collins*, as applied to work seekers.
- Do workers benefit from more extensive rights than Union citizens relying on Article 21 TFEU? Why?
- Should the free movement of workers only apply to those EU citizens that at the time of moving were already offered a job in the host Member?
- Why is the Court's decision in *Jessy Saint Prix* significant?

Problem Questions

1.

Peter is a Dutch national and a designer. He travels to Austria to seek work. His wife Louise, a French national, accompanies him. Peter manages to apply for a part-time designer position within an Austrian government department. His application is turned down for a number of reasons, (a) the department only recruits a limited number of foreign nationals; (b) they claim that Peter's Italian is not good enough for the job; (c) they contend that some of the design work requires access to military installations, and can therefore only be entrusted to Austrian nationals. Both Peter and Louise are asked to leave the country.

Advise Peter as to his and his family's rights under Union law.

2.

Worried about a terrorist threat, Germany has enacted the following measures:

- EU citizens looking for a job are given 6 months to find employment; if they do not secure employment within that time limit they are deported.
- Only economically active Union citizens and those who are permanently resident in Germany are entitled to social assistance.

Advice the German authorities and the Commission as to the compatibility of those rules with Union law.