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THE "FRANÇOISE GRAVIER" CASE

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Abstract

The case of Françoise Gravier is recognized as a precedent in European case law. As a result, non-discriminatory access to education for European Union citizens is applied in all Member States.

Responsible and active citizens must know their rights and when to ask the competent authorities to protect them. Being passive means that you are not interested in your own rights and you have no objection to the existence of violations.



This is the story of Françoise Gravier, which led to the acceptance of non-discriminatory access to education for European Union citizens in all EU member states.

Françoise Gravier is a French citizen. In 1982, she applied to study cartoon drawing at the *Académie Royale des Beaux-Arts* in the Belgian city of Liège. She was admitted, but she had to pay a fee of 24,622 Belgian francs (approximately 610 euros), which was only required from foreign students. Françoise refused to pay this fee and the *Académie Royale* rejected her application. She refused to pay the fee because it was violating the European legislation. During that time, Article 7 of the Treaty of Rome was in force, meaning that discrimination based on nationality was forbidden. Today, any discrimination based on nationality is forbidden and that is stated in Part Two, “Non-discrimination and citizenship”, of Article 14 of the Treaty on the Functioning of the European Union. Françoise Gravier brought the case to the tribunal of first instance in the city of Liège. The Court ruled that the matter concerned European Community law and that a judgement could not be made until the European Court of Justice in Luxembourg had given its statement.

On 13 February 1985, the European Court of Justice ruled that: imposing a fee on students who are citizens of other member states, while at the same time such a fee is not imposed on students who are citizens of the host member state, constitutes discrimination based on nationality, which is in violation of Article 7 of the Treaty of Rome.

Françoise Gravier won the case and was admitted to study cartoon drawing in the *Académie Royale des Beaux-Arts* in Liège, Belgium.

The Françoise Gravier case is acknowledged as a precedent in European case law.¹ Resulting from it, non-discriminatory access to education for European Union citizens is applied in all member states.

EU citizenship includes not only the freedom of movement and residence in the European Union, but it also means that all EU citizens must be treated equally, regardless of their nationality. If an EU citizen lives or studies in another member state, he and his family must be treated equally to the citizens of that country. Equal treatment includes:

- the right of EU citizens to search for jobs and to receive assistance from the national employment services;
- working conditions (salary, dismissal, etc.);
- compensation and tax relief;
- education opportunities;
- joining trade unions and exercising the ensuing rights.

With equal treatment, not only direct discrimination is forbidden, but also any actions, which would indirectly put an EU citizen from another member state in an unequal position. Of course, EU citizens also have responsibilities. For example, they cannot settle in another EU member state just to use the social benefits without working or studying.

Students who are EU citizens have the right to free movement in all member states: they cannot be denied access to education or training in another EU member state on grounds of nationality. Students from any EU member state have the same rights and/or responsibilities as the students from the host country – paying the required fees, as well as receiving loans/grants from the member state in order to pay their admission fee.

For example, a Bulgarian citizen who wants to study in Ireland would not have to pay fees in Irish universities, since Irish students are not required to pay the fees either. According to EU legislation, all citizens of the EU have the right to utilise the education system in the host country to the same extent as the citizens of the host country. This means that Bulgarian citizens must be treated equally to Irish students in regard to education fees. If a Bulgarian citizen wishes to study in the Netherlands,

¹ Françoise Gravier v City of Liège (C-293/83)

because Dutch students pay education fees, the Bulgarian citizen must also pay the same fee, i.e., EU legislation does not liberate you from education taxes.

Conclusion:

- *In the European Union, Discrimination on grounds of nationality is forbidden.*
- *Citizens of the European Union must know their rights well and defend them.*
- *When national courts are required to resolve cases that are part of European legislation, they can ask the Court of Justice of the European Union to give its statement regarding the respective case.*