



Press and Information

Court of Justice of the European Union

**PRESS RELEASE No 11/15**

Luxembourg, 28 January 2015

Advocate General's Opinion in Case C-579/13  
P & S v Commissie Sociale Zekerheid Breda, College van Burgemeester en  
Wethouders van de gemeente Amstelveen

**In the view of Advocate General Maciej Szpunar, an integration obligation imposed on long-term residents is not contrary to EU law, provided that it does not constitute a condition for the maintenance of that status**

*The obligation on such residents to pass a social-integration examination is contrary to the principle of proportionality*

The directive on the status of third-country nationals who are long-term residents<sup>1</sup> provides, in particular, that Member States are to grant long-term resident status to third-country nationals who have resided legally and continuously within their territory for five years immediately prior to the submission of the relevant application. The Member States may, none the less, require third-country nationals to comply with integration conditions laid down in national law. The directive does not, however, indicate whether and to what extent such an integration obligation can be imposed on a person once that person has acquired long-term resident status.

In the Netherlands the integration obligation imposed on foreign nationals includes the duty to pass an examination relating to Dutch-language proficiency and basic knowledge of Netherlands society. Failure to comply with that duty in time attracts a fine.

In the present case P, a United States national who has been resident in the Netherlands since 2002, obtained long-term resident status in 2008. In the same year, the Commissie Sociale Zekerheid Breda (Commission for Social Security, Breda) informed P that she was obliged under Netherlands law to satisfy the integration requirement and was required to pass the corresponding examination within a certain period. P began an integration training programme but interrupted it on health grounds and never resumed it.

S, a New Zealand national, has lived in the Netherlands since 2000 and obtained long-term resident status in 2007. In 2010 the College van burgemeester en wethouders van de gemeente Amstelveen (the Mayor and Executive Board of the Municipality of Amstelveen) informed S that she was under an integration requirement and was required to pass the corresponding examination within a certain period.

Arguing that, as persons holding long-term resident status, they were not subject to the integration obligation, P and S challenged the decisions in question. The Centrale Raad van Beroep (Higher Social Security Court), before which the disputes have been brought on appeal, has referred to the Court of Justice questions for a preliminary ruling in the case and seeks to determine whether it is compatible with Directive 2003/109 to impose on third-country nationals who have acquired long-term resident status an integration obligation, failure to satisfy which attracts a fine.

In his Opinion delivered today, Advocate General Maciej Szpunar first of all points out that the directive confers a special legal status on third-country nationals who have settled permanently in the Member States because this helps promote economic and social cohesion within the EU. This

<sup>1</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44), as amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 (OJ 2011 L 132, p. 1).

does not, however, deprive Member States of all possibility of providing for means of integration in relation to long-term residents.

Next, in the Advocate General's view, the introduction of integration measures for those with long-term resident status is not at variance with the objectives of the directive, as those measures are designed exclusively to integrate long-term residents into the social and economic life of the host State. National provisions providing that the integration obligation is a condition for the maintenance of long-term resident status or for the exercise of the rights associated with that status would, by contrast, be incompatible with the directive.

The Advocate General stresses that national provisions which introduce integration measures for a long-term resident come within the scope of EU law. Consequently, the margin of discretion which Member States are recognised as having in this area may not be exercised in such a way as to affect adversely the objective of the directive and its practical effectiveness. In addition, the national provisions must also comply with the principle of proportionality. The integration obligation must therefore not make it excessively difficult for those with long-term resident status to exercise the rights which they derive from that status.

The introduction of a compulsory examination designed to test language proficiency or knowledge of society does not, in the opinion of the Advocate General, contribute to attainment of the objective pursued by integration measures, that is to say, facilitating the social integration of the person concerned. The introduction of the obligation to pass an integration examination also brings into question the rationale underlying the integration measures, which must be measures, designed to foster social integration in the society concerned and may not establish requirements as to qualifications in connection with residence in the State in question. Any person who has, however, lived for a long time in the State in question will undoubtedly be linked with that State through a network of integrating connections centring on family, work, neighbourhood relations or hobby pursuits. An integration measure which does not allow for individual evaluation of such factual circumstances will therefore, in view of the objective of promoting further social integration of the person concerned, be disproportionate.

The Advocate General regards as equally disproportionate the penalty, in the form of a fine, which is provided under Netherlands law for failure to comply with the integration obligation.

**In the light of the foregoing considerations, the Advocate General proposes that the Court should rule that Directive 2003/109 does not prohibit the introduction of integration measures for third-country nationals who are long-term residents. Such measures must, however, have the exclusive purpose of facilitating the integration of the person concerned and must not constitute a condition for the maintenance of that status or for the exercise of the rights which flow from it. In particular, those measures may not include any obligation to pass an examination relating to social integration.**

---

**NOTE:** The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

---

*Unofficial document for media use, not binding on the Court of Justice.*

The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Christopher Fretwell ☎ (+352) 4303 3355