



Press and Information

Court of Justice of the European Union

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Judgment in Case C-579/13

P and S v Commissie Sociale Zekerheid Breda,

College van Burgemeester en Wethouders van de gemeente Amstelveen

Member States may require third-country nationals with long-term resident status to pass a civic integration examination

However, the means of implementing that obligation must not jeopardise the achievement of the objectives pursued by the directive on long-term residents

An EU Directive¹ provides that Member States are to grant long-term resident status to third-country nationals who have resided legally and continuously within its territory for five years immediately prior to the submission of their application.

P and S are third-country nationals who possess since, respectively, 14 November 2008 and 8 June 2007, long-term resident's residence permits of indefinite duration, granted on the basis of the directive. In accordance with Dutch law they are required to pass a civic integration examination by a prescribed date, on pain of a fine, in order to demonstrate the acquisition of oral and written proficiency in the Dutch language and sufficient knowledge of Netherlands society. If the examination is not passed by that date, a new date is set, the amount of the fine being increased each time.

P and S brought actions against the decisions obliging them to pass that examination. The Centrale Raad van Beroep (Higher Social Security Court, Netherlands), before which the matter came on appeal, expresses doubts as to whether the civic integration obligation complies with Directive. It asks the Court of Justice, inter alia, whether, after the grant of long-term resident status, Member States may subsequently impose integration conditions in the form of a civic integration examination, with penalties in the form of a system of fines.

In today's judgment, the Court holds that the directive does not preclude the imposition of the obligation to pass a civic integration examination, provided that the means of implementing that obligation are not liable to jeopardise the achievement of the objectives pursued by the directive.

First of all, the Court notes that passing the examination in question is not a condition for acquiring or conserving long-term resident status, but gives rise only to the imposition of a fine.² In addition, the Court points out the importance which the EU legislature attaches to integration measures. In that respect, the Court notes that the directive neither requires that Member States impose integration obligations on third-country nationals after they have obtained long-term resident status nor precludes them from doing so.

As regards the principle of equal treatment, the Court considers that the situation of third-country nationals is not comparable to that of nationals as regards the usefulness of integration measures such as the acquisition of knowledge of the language and society of the country. Therefore, the fact that the civic integration obligation at issue in the main proceedings is not imposed on

¹ 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).

² The questions put by the referring court concern only third-country nationals who were residing legally in the Netherlands at the date of entry into force of the law in question, namely 1 January 2007, and who applied for long-term resident status between 1 January 2007 and 1 January 2010.

nationals does not infringe the right of third-country nationals who are long-term residents to equal treatment with nationals.

Furthermore, it cannot be disputed that the acquisition of knowledge of the language and society of the host Member State encourages interaction and the development of social relations between third-country nationals and nationals of the Member State concerned and facilitates access to the labour market and vocational training.

However, the means of implementing the civic integration obligation must not be liable to jeopardise the achievement of the objectives of the directive. In that respect, the Court considers that regard must be had, in particular, to the level of knowledge required to pass the examination, to the accessibility of the courses and material necessary to prepare for that examination, to the amount of registration fees, or to the consideration of specific individual circumstances, such as age, illiteracy or level of education.

As regards, lastly, the fine, the Courts notes that the maximum amount of that fine is relatively high, namely €1 000, and that that fine may be imposed each time that the period prescribed for the third-country national to pass the civic integration examination expires without that examination having been passed, without any limit, until the third-country national concerned has passed that examination.

Moreover, the registration fees to sit the examination and any costs incurred in preparing for that examination are borne by the third-country nationals concerned. As regards, in particular, the registration fees, the Court notes that, according to the Netherlands government, those fees amount to €230, and the third-country nationals concerned must pay those costs each time that they sit the civic integration examination during the prescribed period. In those circumstances, which it is for the national court to verify, the payment of a fine, in addition to the payment of the costs incurred in relation to the examinations, is liable to jeopardise the achievement of the objectives pursued by the directive and, therefore, deprive it of its effectiveness.

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.

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

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