



12.7.2010

NOTICE TO MEMBERS

Subject: **Petition 1232/2009 by J.L. Ruiz Llamas (Spanish), on alleged discrimination by the Slovak railways**

1. Summary of petition

The petitioner indicates that, whilst in Slovakia on a student grant, he was denied the same treatment as Slovak students by the Slovak railways and the Bratislava municipal transport service. He indicates that he was not entitled to concessionary student fares on the grounds that he was not Slovak.

2. Admissibility

Declared admissible on 8 December 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 25 March 2010.

The petition

A university student of Spanish nationality, holding a student identification card (international ISIC card) was denied the discount rate for students for the public transport service in the city of Bratislava and for the rail passengers' transport at the train station of Bratislava.

The Commission's comments on the petition

With specific reference to the query, it seems that the discount rate for university students is available only to those students which are enrolled in a Slovak University.

The commercial practices such as the one described in the petition may constitute a discriminatory treatment of passengers on grounds of nationality (indirect discrimination based on the circumstance that the student status, allowing the discount rate, can only be accepted for students enrolled in Slovak Universities).

The mobility of students in the European Union is promoted by the Treaty on the functioning of the European Union (Article 165), as interpreted by the case-law of the Court of Justice and underpinned by EU action (e.g. initiatives, such as the European Credit Transfer System, and programmes such as the Erasmus programme). The Commission's attention has previously been drawn to alleged discriminatory practices in access to reduced transport fares for mobile students in other Member States and it has already opened three infringement proceedings in cases concerning violation of equal treatment of students in public transport fares by a host country.

Conclusion

The Commission therefore intends to examine if this is the price scheme actually applied and it will request the Slovak authorities to supply any relevant information concerning the alleged difference of treatment of public transport passengers in relation to the grant of the discount rate established for students and explanations on the grounds which – according to the same competent authorities – could justify such price discrimination, and on the proportionality of the adopted measures.

4. Commission reply, received on 12 July 2010.

As it results from the file, a student discount is granted in Slovakia in public transport services, including trains, to all students studying in a Slovak university and not only to students of Slovakian nationality.

The Commission's position, as expressed in three infringement proceedings opened against certain Member States, is that each Member State should grant the student discount in public transport services to all students from the European Union holding a student status in an educational establishment situated in this Member State.

Although the petitioner does not specify the exact quality in which he was in Slovakia, it appears from the file that he was not studying in a Slovakian educational establishment.

In conclusion, the European Commission suggests that the Committee on petitions inform the petitioner accordingly. Should the petitioner provide additional evidence showing that he was indeed attending a university in Slovakia, the Commission will reassess the case.