

C-85/96 Martínez Sala [1998]

Facts: The applicant was a Spanish national living in Germany. She held various posts of employment in Germany. During these posts, she was in receipt of social assistance under the Federal Social Welfare Law. Following expiration of the residence permits, the applicant applied for a child-raising allowance. She was refused on the basis that she did not meet one of the conditions required for the permit, which was German nationality. The question was whether this nationality requirement was permissible under EU law.

Held: The applicant was a national of a Member State lawfully resident in the territory of another Member State. The Court held that for a Member State to require a national of another Member State who wished to receive a benefit such as the allowance in question to produce a document which was constitutive of the right to the benefit and which was issued by its own authorities, when its own nationals were not required to produce any document of that kind, would amount to unequal treatment.