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Title

STUDENTS

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## References:

- **Recitals** :-
- **BR** :-
- **IR**: Art 11 par 1 (b) iv
- **AC Decision** :-
- **ECJ CASE Law**:

## Comments:

- Students were included in Regulation 1408/71 from 1999 onwards (by virtue of Regulation 307/1999). A definition was introduced: "student means any person other than an employed or self-employed person or a member of his family or survivor within the meaning of this Regulation who studies or receives vocational training leading to a qualification officially recognised by the authorities of a Member State, and is insured under a general social security scheme or a special social security scheme applicable to students. This definition is not reproduced in Regulation 883/04, by virtue of the fact that individual categories of persons covered are no longer listed. The personal scope of the Regulations has been extended to one general category of all persons "who have been subject to the legislation of one or more Member States" (see Article 2 BR. Therefore, although students are no longer specifically listed, they are – provided they fulfil the condition of being subject to national legislation – covered].
- With regard to the new coordination rules students, are "non-actives" unless they have also-taken up an activity as an employed or self-employed person (see definitions in Article 1 (a) and (b) BR). For "non actives" the applicable legislation is the legislation of the Member State of residence - see Article 11 (3) (e) BR.
- If there is a difference of view between institutions of two or more MS about the legislation that applies in the case of a particular student, then Article 11 IR "elements for determining residence" contains a check-list of items to be taken into account in considering the factual-situation of the student concerned. (see fiche on residence ) These items are not compulsory nor exclusive, but should be dealt with as indicative elements. A specific item has been introduced for students in the list referring to the source of their income. In other words, the source of income of the student is to be considered a relevant indicator in order to identify residence in the case of a difference of

views between two or more institutions.

**To go further:**

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