

European Students' Union (ESU)

Fighting for students' rights since 1982

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Resolution on Dutch study financing 56-hour rule for international students

As a European citizen studying in The Netherlands, you are eligible for a Dutch student loan, the supplementary grant and the student discount on public transport if you officially work in The Netherlands and receive a salary. An additional requirement listed on the government's website is the requirement to work at least 56 hours per month. Dutch students do not have to meet this requirement.

The Treaty on the Functioning of the European Union stipulates that the freedom of workers must be guaranteed. Discrimination on the basis of nationality with regard to employment and other terms and conditions of employment must be abolished. To implement this right, the EU has adopted regulations that aim to ensure and guarantee equal treatment of migrant workers and national workers, including social benefits, like the Dutch student financing.

The EU has an independent definition of "worker" that stands above any national definition. This EU definition of "worker" states that to be considered a "worker" you only need to meet these basic requirements:

1. You are an EU citizen,
2. Who works for a period of time,
3. Provides services to another person or company,
4. And receives payment for those services.

A person is considered a worker once these conditions are met, both by the EU and by The Netherlands. None of these conditions requires a minimum number of working hours. Moreover, the EU courts have stated in several cases that a minimum number of working hours cannot be considered a unilateral requirement for the determination of worker status, nor for access to social benefits. Moreover, in The Netherlands, from the moment you work, you are obliged to have health insurance, pay income tax and pay municipal taxes. Thus, if international students work less than 56 hours, they do have to contribute to society without receiving much in return. ESU strongly supports equal financial support and access for all students. Not only is the 56-hour rule potentially a violation of European law, but it also creates unnecessary financial problems and stress for international students. The Dutch government fails to correctly implement EU law, resulting in discrimination against EU students.

Therefore, ESU supports the Dutch student organizations ISO and LSVb in their call to the Dutch government to:

1. Lowers the 56-hour requirement to 32 hours monthly.
2. Introduces safety nets for students receiving student financing, such as:
 - a. The review period for compliance with the new 32-hour rule shall be done once every six months, rather than once per month.
 - b. Special circumstances such as medical conditions (physical and psychological), unexpected unemployment and natural disasters (including the Covid-19 pandemic) shall be taken into account when there is a review of compliance with the criteria.
 - c. The reviewing process shall be transparent to the applicant, providing specific reasons as to why a person did not qualify for student financing.
 - d. All documents needed to prove any need for safety nets must be accepted in Dutch or English. Official translations of documents in any other language shall be accepted.