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Provisional text

JUDGMENT OF THE COURT (Grand Chamber)

4 February 2025 (*)

(Reference for a preliminary ruling – Asylum policy – Refugee status or subsidiary protection status – Directive 2011/95/EU – Article 34 – Access to integration facilities – Obligation to pass, on pain of a fine, a civic integration examination – Beneficiary of international protection who has not passed such an examination in time – Obligation to pay a fine – Obligation to bear the full costs of civic integration courses and examinations – Possibility of obtaining a loan in order to pay those costs)

In Case C158/23 [Keren], (i)

REQUEST for a preliminary ruling under Article 267 TFEU from the Raad van State (Council of State, Netherlands), made by decision of 15 March 2023, received at the Court on 15 March 2023, in the proceedings

T.G.

v

Minister van Sociale Zaken en Werkgelegenheid,

THE COURT (Grand Chamber),

composed of K. Lenaerts, President, T. von Danwitz, Vice-President, K. Jürimäe, C. Lycourgos, I. Jarukaitis, A. Kumin and N. Jääskinen, M. Gavalec, Presidents of Chambers, E. Regan (Rapporteur), I. Ziemele and Z. Csehi, Judges,

Advocate General: L. Medina,

Registrar: A. Lamote, Administrator,

having regard to the written procedure and further to the hearing on 20 February 2024,

after considering the observations submitted on behalf of:

– T.G., by E.E.M. Bezem, advocate, and S. Rafi, experte,

– the Netherlands Government, by M.K. Bulterman, H.S. Gijzen and C. Schillemans, acting as Agents,

– the European Commission, by A. Azéma, J. Hottiaux and S. Noë, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 6 June 2024,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Article 34 of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

2 The request has been made in the context of a dispute between T.G. and the Minister van Sociale Zaken en Werkgelegenheid (Minister of Social Affairs and Employment, Netherlands) ('the Minister') concerning a decision by which the latter, on the one hand, imposed a fine in the amount of EUR 500 on T.G., on the ground that he had not passed within the period prescribed the civic integration examination provided for by Netherlands law for beneficiaries of international protection, and, on the other hand, ordered T.G. to repay the loan in the amount of EUR 10 000 that had been granted to him by the Netherlands public authorities in order to enable him to finance the costs of the civic integration programme.

Legal context

International law

3 The Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 (*United Nations Treaty Series*, vol. 189, p. 150, No 2545 (1954)), entered into force on 22 April 1954. It was supplemented and amended by the Protocol relating to the Status of Refugees, concluded in New York on 31 January 1967, which itself entered into force on 4 October 1967 ('the Geneva Convention').

4 Article 34 of the Geneva Convention, entitled 'Naturalization', provides:

'The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.'

European Union law

Directive 2003/109/EC

5 Article 5 of 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), entitled 'Conditions for acquiring long-term resident status', provides, in paragraph 2 thereof:

'Member States may require third-country nationals to comply with integration conditions, in accordance with national law.'

Directive 2011/95

6 Recitals 12, 41 and 47 of Directive 2011/95 state:

‘(12) The main objective of this Directive is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection, and, on the other hand, to ensure that a minimum level of benefits is available for those persons in all Member States.

…

(41) In order to enhance the effective exercise of the rights and benefits laid down in this Directive by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted. Such taking into account should normally not result in a more favourable treatment than that provided to their own nationals, without prejudice to the possibility for Member States to introduce or retain more favourable standards.

…

(47) The specific needs and particularities of the situation of beneficiaries of refugee status and of subsidiary protection status should be taken into account, as far as possible, in the integration programmes provided to them including, where appropriate, language training and the provision of information concerning individual rights and obligations relating to their protection status in the Member State concerned.’

7 Article 1 of that directive, entitled ‘Purpose’, provides:

‘The purpose of this Directive is to lay down standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.’

8 Chapter VII of that directive, entitled ‘Content of international protection’, comprises Articles 20 to 35.

9 That Article 20, entitled ‘General rules’, provides, in paragraph 3 thereof:

‘When implementing this Chapter, Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.’

10 Under Article 24 of Directive 2011/95, entitled ‘Residence permits’:

‘1. As soon as possible after international protection has been granted, Member States shall issue to beneficiaries of refugee status a residence permit which must be valid for at least 3 years and renewable, unless compelling reasons of national security or public order otherwise require, and without prejudice to Article 21(3).

Without prejudice to Article 23(1), the residence permit to be issued to the family members of the beneficiaries of refugee status may be valid for less than 3 years and renewable.

2. As soon as possible after international protection has been granted, Member States shall issue to beneficiaries of subsidiary protection status and their family members a renewable residence permit which must be valid for at least 1 year and, in case of renewal, for at least 2 years, unless compelling reasons of national security or public order otherwise require.’

11 Article 34 of that directive, entitled ‘Access to integration facilities’, provides:

‘In order to facilitate the integration of beneficiaries of international protection into society, Member States shall ensure access to integration programmes which they consider to be appropriate so as to take

into account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programmes.'

Netherlands law

12 The Wet houdende algemene regels van bestuursrecht (algemene wet bestuursrecht) (Law laying down general rules of administrative law (General Law on administrative law)), of 4 June 1992 (Stb. 1992, No 315), in the version applicable to the dispute in the main proceedings, provides, in Article 3:4 thereof:

'1. The administrative body shall weigh up the interests directly affected by the decision, within the limits set by the law or by the nature of the competence to be exercised.

2. The adverse consequences which a decision has for one of more of the persons concerned cannot be disproportionate to the objectives pursued by the decision.'

13 Article 5:46 of that law, in the version applicable to the dispute in the main proceedings, provides, in paragraph 2 thereof:

'Unless the amount of the administrative fine is fixed by a statutory provision, the administrative body shall adapt the administrative fine to the seriousness of the offence and to the extent to which it may be imputed to the offender. To that end, the administrative body shall take into account, where appropriate, the circumstances in which the offence was committed. …'

14 The Wet inburgering (Law on civic integration), in the version applicable to the dispute in the main proceedings ('the Law on civic integration'), provides, in Article 3 thereof:

'Subject to the obligation of civic integration shall be the foreign national who obtains lawful residence, within the meaning of Article 8(a) and (c) of the Wet tot algehele herziening van de Vreemdelingenwet (Vreemdelingenwet 2000) (Law amending in full the Law on foreign nationals (Law of 2000 on Foreign Nationals)) of 23 November 2000 (Stb. 2000, No 495), and who:

a. resides in the Netherlands other than for a temporary purpose, or

b. is a religious minister.'

15 Article 6 of the Law on civic integration is worded as follows:

'1. The Minister shall relieve of the civic integration obligation the person who is bound therefrom where he or she has established that, by reason of a psychological or physical disability or a mental impairment, he or she is permanently unable to pass the civic integration examination.

2. The Minister shall relieve the person bound by the civic integration obligation of the components of the civic integration examination referred to in Article 7(2)(b) and (c) if, on the basis of the proven efforts made by the person subject to that obligation, it appears that he or she cannot reasonably satisfy those components.'

16 Under Article 7 of that law:

'1. The person bound by the civic integration obligation shall pass or obtain:

a. the civic integration examination, or

b. a diploma, certificate or other document, within the meaning of Article 5(1)(c).

2. The civic integration examination shall comprise the following components:

…

b. the examination of oral and written skills in the Dutch language corresponding at least to level A2 of the Common European Framework of Reference for Languages [(CEFR)], and

c. the examination of the knowledge of Netherlands society.

…

4. The Minister shall propose the components of the civic integration examination referred to in paragraph 2(b) and (c).'

17 Article 7b of the said law provides:

'1. The person bound by the civic integration obligation shall pass, within three years, the components of the civic integration examination referred to in Article 7(2)(b) and (c).

2. The three-year period referred to in paragraph 1 shall begin to run from the moment the foreign national is bound by the civic integration obligation.

3. The Minister shall extend the three-year period mentioned in paragraph 1:

a. if the person bound by the civic integration obligation demonstrates that he or she is not to blame for not having passed within the period those components of the civic integration examination, or

b. by a maximum non-renewable period of two years, where a literacy course is being followed or was followed before the expiry of that period.'

18 Article 16 of the same law is worded as follows:

'1. The Minister shall, on request, grant a loan to the person bound by the civic integration obligation if the rules, to be established by or pursuant to a general administrative measure, are satisfied as regards the conditions under which the loan is granted and the manner in which it is granted and as regards participation, at an establishment providing courses, in a training course for the purpose of the civic integration examination or diploma, certificate or other document referred to in Article 5(1)(c).

2. The right to receive a loan does not exist, or no longer exists, if the person bound by the civic integration obligation:

…

b. has not fulfilled that obligation six years after the expiry of the period referred to in Article 7b(1) or the extended period pursuant to Article 7b(3) or the rules laid down by or pursuant to Article 8(1)(a).

3. The amount of the loan shall be paid to the establishment providing the courses and to the examination centre designated by the person bound by the civic integration obligation.

4. The person bound by the civic integration obligation or the person previously bound by that obligation shall repay the loan, together with interest calculated in accordance with rules to be laid down by or pursuant to a general administrative measure.

…'

19 Article 31 of the Law on civic integration provides, in paragraph 1 thereof:

'The Minister shall impose an administrative fine on the person bound by the civic integration obligation who has not passed the components of the civic integration examination referred to in Article 7(2)(b) and (c) within the period referred to in Article 7b(1) or within the extended period pursuant to Article 7b(3) or the rules laid down pursuant to Article 8(1)(a). …'

20 Article 32 of that law provides:

‘In the decision imposing the fine referred to in Article 31(1), the Minister shall fix a new period of no longer than two years, within which the person bound by the civic integration obligation must, after notification of the decision imposing the fine, ultimately pass the components of the civic integration examination referred to in Article 7(2)(b) and (c).’

21 Under Article 33 of the said law:

‘1. The Minister shall impose an administrative fine on a person bound by the civic integration obligation who has not passed the components of the civic integration examination referred to in Article 7(2)(b) and (c) within the period fixed pursuant to Article 32. Article 32 shall apply *mutatis mutandis*.

2. For as long as the person bound by the civic integration obligation fails, after the expiry of the period fixed pursuant to Article 32, the components of the civic integration examination referred to in Article 7(2)(b) and (c), the Minister shall impose an administrative fine on him or her every two years.’

22 The Besluit inburgering (Decree on civic integration), in the version applicable to the dispute in the main proceedings (‘the Decree on civic integration’), provides, in Article 2.8a thereof:

‘1. The Minister shall, on request, relieve a person of the civic integration obligation if he or she is of the opinion that the person bound by that obligation has, in a demonstrable manner, sufficiently completed the civic integration programme. …’

23 Article 4.1a of the Decree on civic integration provides:

‘1. Subject to the provisions of Article 16(2) of the Law [on civic integration], a loan of up to EUR 10 000 may be granted to the person bound by the civic integration obligation to cover the costs of:

a. following a training course in the components, referred to in Article 7(2)(b) and (c) of that law, of the civic integration examination or the State examination in Dutch as a second language I or II, as referred to in Article 7.3.1(1)(c) of the Wet houdende bepalingen met betrekking tot de educatie en het beroepsonderwijs (Wet educatie en beroepsonderwijs) (Law containing provisions relating to education and vocational training (Law on education and vocational training)), of 31 October 1995 (Stb. 1995, No 501);

b. sit the State examination referred to in point (a) or the civic integration examination; or

c. follow a literacy course.

2. The amount of the loan is determined on the basis of the reference income, to be calculated in accordance with Article 8(1), (2), (3) and (5) of the Algemene wet inkomensafhankelijke regelingen (General Law on income-related schemes), of 23 June 2005 (Stb. 2005, 345), of the person bound by the civic integration obligation and his or her partner, as referred to in Article 3 of that general law.

3. Paragraph 2 shall not apply to the person bound by the civic integration obligation referred to in paragraph 1 who is lawfully resident on the basis of a:

a. fixed-term residence permit for asylum purposes; or

…

4. The loan meant for following a course shall be granted only if the person bound by the civic integration obligation follows a course at an educational establishment providing courses which holds a certificate, as referred to in Article 9(1) of the [Law on civic integration] or a quality mark referred to in Article 12a(1) of that law.’

24 Article 4.2 of the Decree on civic integration is worded as follows:

‘1. Subject to the provisions of the second sentence of Article 16(1) of the [Law on civic integration], the person bound by the civic integration obligation shall be entitled to the loan during the period referred to in [in Article] 7b(1) of that law, during the extended period referred to [in Article] 7b(3) … of the said law and during the period indicated in the decision imposing the fine, referred to in Articles 29 and 32 of the same law.’

25 Article 4.6 of that decree provides:

‘1. The repayment period shall be a maximum of 10 years. …’

26 Article 4.9 of the said decree provides:

‘If the debtor is unable to pay the monthly instalment determined in accordance with Article 4.8, he or she may make a request to the Minister in order to determine his or her financial capacity for the remaining repayment period.’

27 Under Article 4.13 of the same decree:

‘1. The debt may, at the request of the person bound by the civic integration obligation, be written off, in whole or in part, by the Minister in the cases to be designated by a regulation of the Minister. …

3. A full write-off of the debt shall automatically be granted to foreign nationals, as referred to in Article 4.1a(3), who have been bound by the civic integration obligation since 1 January 2013 or after that date, if:

a. the path leading to the declaration of participation referred to in Article 7(2)(a) of the [Law on civic integration] has been successfully completed and the components of the civic integration examination referred to in Article 7(2)(b) and (c) of that law have been passed;

b. relief from the civic integration obligation is applicable by virtue of Article 5 of the [Law on civic integration]; or

c. relief from the civic integration obligation is granted, as referred to in Article 6(1) to (3) of the [Law on civic integration].

4. The debt write-off, referred to in paragraph 3, shall be granted only if the circumstance referred to in points (a), (b) or (c) thereof arose during the period referred to in Article 7a(1) of the [Law on civic integration] or the period referred to in Article 7b(1) of that law or the period extended pursuant to Article 7a(3) of that law or Article 7b(3) thereof, or by or pursuant to Article 8(1)(a) of the same law.’

28 The Regeling inburgering (Regulation on civic integration), in the version applicable to the dispute in the main proceedings, provides, in Article 3.1 thereof:

‘The examination costs referred to in Article 3.3(1) of the Decree on civic integration shall amount to:

a. EUR 50.00 for each of the components of the civic integration examination referred to in Article 3.9(2)(a) to (c) of that decree;

b. EUR 60.00 for the component of the civic integration examination referred to in Article 3.9(2)(d) thereof;

c. EUR 40.00 for the component of the civic integration examination referred to in Article 3.9(3)(a) of the said decree;

d. EUR 40.00 for the component of the civic integration examination referred to in Article 3.9(3)(b) of the same decree. …'

29 The Beleidsregel boetevaststelling inburgering (Guidelines on the determination of fines in the context of civic integration), in the version applicable to the dispute in the main proceedings, provide, in Article 1 thereof:

'For the purposes of the determination of the amount of the fine referred to in Article 34(c) and (d) of the [Law on civic integration], account shall be taken of the following:

a. the number of hours during which the person bound by the civic integration obligation has participated in a civic integration course or in a course in Dutch as a second language at an institution bearing the *Blik op Werk* quality mark;

b. the number of times that the person bound by the civic integration obligation has sat the components of the civic integration examination or the State examination in Dutch as a second language;

c. the number of components of the civic integration examination or the State examination in Dutch as a second language that the person bound by the civic integration obligation has passed.

2. The amount of the fine shall be determined on the basis of the table of fines, as is set out in the annex to the present guidelines.'

30 The table provided for in Article 1(2) of the annex to those guidelines seeks to determine the amount of the fine on the basis of the number of hours, followed by the person concerned, of civic integration courses or of courses in Dutch as a second language and of the number of times that he or she has submitted components of the civic integration examination or of the State examination in Dutch as a second language. That provision also states the following:

'A person who has participated for at least 300 hours in a civic integration course or in a course in Dutch as a second language and who has submitted at least twice failed components of the civic integration examination or of the State examination in Dutch as a second language may be granted an extension of the civic integration period on the basis of Article 2.4c(1) of the Regulation on civic integration for an exceedance, for which he or she is not to blame, of the civic integration period. In that case, no fine shall be imposed.'

31 By virtue of that Article 1(2), the amount of the fine established on the basis of that table is to be reduced in the following manner depending on whether the components of the civic integration examination or the State examination in Dutch as a second language are passed:

'1 component of the examination passed: 20% reduction in the amount of the fine;

2 components of the examination passed: 40% reduction in the amount of the fine;

3 components of the examination passed: 60% reduction in the amount of the fine;

4 components or more of the examination passed: 80% reduction in the amount of the fine.'

The dispute in the main proceedings and the questions referred for a preliminary ruling

32 The applicant in the main proceedings, of Eritrean nationality, arrived in the Netherlands at the age of 17 and was subsequently recognised as a beneficiary of international protection. On 8 January 2016, when the applicant in the main proceedings had reached the age of 18, the Minister informed him that, as from the following 1 February, he was bound by the civic integration obligation by virtue of the Law on civic integration, which meant that he had to pass, in principle within three years, all of the components of the civic integration examination. The Minister extended that period several times, most recently until

1 February 2020, on the ground that the applicant in the main proceedings had resided on a long-term basis in a reception centre for asylum seekers and had undergone training. Subsequently, the applicant in the main proceedings enrolled in several civic integration courses and examinations. However, he did not attend certain courses and examinations and he did not pass those at which he was present.

33 By a decision of 31 March 2020, the Minister imposed on the applicant in the main proceedings a fine of EUR 500 and decided that he had to repay in full the loan that he had taken out with the Dienst Uitvoering Onderwijs (Education Executive Agency, Netherlands), which amounted to EUR 10 000, on the ground that he had not completed the civic integration programme within the period prescribed.

34 By a decision of 25 February 2021, the Minister declared unfounded the objection lodged by the applicant in the main proceedings against his decision of 31 March 2020.

35 By a judgment of 4 November 2021, the Rechtbank (District Court, Netherlands) hearing the case declared unfounded the action brought by the applicant in the main proceedings against that decision of 25 February 2021. That court held that the national legislation at issue in the main proceedings did not infringe Article 34 of Directive 2011/95, since it established a scheme offering possibilities of extension, exemptions and relief allowing for the adoption of a tailor-made approach if it were necessary. The loan granted could, moreover, be repaid in accordance with the financial capacity of the person concerned. The principle of proportionality was not infringed, since the Minister had taken account of all the circumstances relied on and had weighed them up. According to that court, the Minister took sufficient account of the personal situation of the applicant in the main proceedings by extending the civic integration period from three to four years and by reducing the amount of the fine imposed. Last, the same court held, by reference to the judgment of 4 June 2015, *P and S* (C579/13, EU:C:2015:369), that the amount of that fine was not too high and that the Minister did not have to refrain from imposing that fine or invoking the obligation to repay the loan.

36 On 2 December 2021, that is to say, 1 year and 10 months after the expiry of the civic integration period, the applicant in the main proceedings was relieved of the civic integration obligation because, according to the Minister, he had, at that time, made sufficient efforts to complete the civic integration programme. That relief is, however, without prejudice to his obligation to pay the fine and to repay the loan.

37 The applicant in the main proceedings lodged an appeal before the Raad van State (Council of State, Netherlands), which is the referring court, against the judgment of 4 November 2021.

38 In his appeal, the applicant in the main proceedings claims that Article 34 of Directive 2011/95 has been incorrectly transposed into Netherlands law. According to him, that article gives rise to a positive right to integration, whereas the high amount of the fine and the obligation to repay the loan provided for in Netherlands law hinder, on the contrary, that integration. The high costs provided for in that law also hinder access to integration programmes. Moreover, that law does not take sufficient account of the specific needs and particular integration challenges of beneficiaries of international protection. For those reasons, in particular, the Minister should have refrained from imposing a fine and from requesting repayment of the loan in this case.

39 According to the Minister, Directive 2011/95 does not preclude the civic integration scheme provided for by Netherlands law given that the applicant in the main proceedings has had the opportunity to participate in integration programmes, as Article 34 of that directive requires. It follows, moreover, from the judgment of 4 June 2015, *P and S* (C579/13, EU:C:2015:369), that a fine, as an incentive to complete the civic integration programme, is acceptable and that the fine imposed on the applicant in the main proceedings is appropriate and necessary. The fact that the applicant in the main proceedings must repay the full amount of the loan is not unreasonable. By its nature, a loan must be repaid in full and the

applicant in the main proceedings was not relieved of the civic integration obligation until well after the expiry of the period prescribed.

40 In the light of the pleas raised before it, the referring court questions whether Article 34 of Directive 2011/95 precludes the imposition of a civic integration obligation on beneficiaries of international protection, which includes the obligation to pass, on pain of a fine, the examinations concerned, in principle within a three-year period, and the costs of integration programmes from being borne by the persons bound by that obligation.

41 As regards, in the first place, the civic integration obligation, the referring court observes that it is true that the Court found, in paragraph 48 of the judgment of 4 June 2015, *P and S (*C579/13, EU:C:2015:369), that an obligation to pass a civic integration examination ensures that the third-country nationals concerned acquire knowledge which is undeniably useful for establishing connections with the host Member State and that such an obligation, coupled with a fine, may contribute to the achievement of the objectives pursued by Directive 2003/109. However, the referring court is reluctant to transpose that guidance to the case in the main proceedings, given that that directive gives Member States, in Article 5(2) thereof, the option of imposing an integration obligation, whereas no such option is provided for in Directive 2011/95. Another difference between those two texts lies in the fact that the latter directive concerns persons who are in need of protection but who do not necessarily wish to settle on a long-term basis in the host Member State.

42 Moreover, the referring court observes, first, that it appears to follow from paragraph 95 of the judgment of 24 June 2015, *T.* (C373/13, EU:C:2015:413), that the Member States have no discretion as to whether to grant or to refuse the substantive benefits guaranteed by Directive 2011/95, which include the right of access to integration programmes. However, the question arises as to whether an integration obligation constitutes a restriction on that right or whether it merely ensures that the persons concerned actually integrate.

43 Second, that court points out that, in its Proposal for a Regulation replacing Directive 2011/95 (Proposal for a Regulation of the European Parliament and of the Council of 13 July 2016 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (COM(2016) 466 final)), the European Commission introduced a provision which expressly provides that 'Member States may make participation in integration measures compulsory.' The question thus arises as to whether it must be inferred from this that such an obligation is not yet provided for by Directive 2011/95 or whether that proposal merely enshrines an already existing option.

44 In the event that a civic integration obligation could be imposed, the referring court considers that, in principle, the Minister is entitled to attach a fine to that obligation, as long as that fine is proportionate.

45 In the second place, as far as the costs of integration programmes are concerned, the referring court is of the view that requiring beneficiaries of international protection to pay those costs in full is contrary to Article 34 of Directive 2011/95, given their high amount and the generally limited financial capacity of those beneficiaries. Being able to request a loan in order to finance those costs would make no difference. While it could be argued that beneficiaries of international protection themselves have control over the timely completion of the programmes concerned and therefore over the obligation to repay the loan, the fact remains that that Article 34 requires Member States to guarantee access to integration programmes for all beneficiaries of international protection. The referring court adds that the fact that the persons concerned may enter into a payment arrangement does not appear to be of the slightest importance, given that the

obligation to repay a substantial debt subsists for a period of up to 10 years, which may hinder effective integration in the host Member State.

46 In the third place, the question arises as to whether the level of the amounts of the fine and of the loan undermines the achievement of the objective and the effectiveness of Article 34 of Directive 2011/95. In that regard, the referring court points out that the administrative body and, where appropriate, the national court are obliged to reduce the fine if it is necessary to make it proportionate. However, the loan, which may be granted up to an amount of EUR 10 000, could, together with the fine, be regarded as exceeding what is necessary to achieve the objective pursued by Article 34, namely facilitating integration. While the repayment arrangement in the context of which account is taken of the financial capacity of the person concerned could mitigate that, the taking into account of that financial capacity could also constitute a negative incentive for that person to work, which is detrimental to that person's integration.

47 In those circumstances the Raad van State (Council of State) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

'(1) Must Article 34 of [Directive 2011/95] be interpreted as precluding a national rule such as that laid down in Article 7b of the [Law on civic integration], pursuant to which holders of asylum status are placed under the obligation, on pain of a fine, to pass a civic integration examination?

(2) Must Article 34 of [Directive 2011/95] be interpreted as precluding a national rule based on the premiss that holders of asylum status themselves bear the full costs of integration programmes?

(3) In answering the second question, is it significant that holders of asylum status can receive a government loan to cover the costs of integration programmes and that that loan is waived if they pass their civic integration examination on time or are exempted from or released from the civic integration obligation in good time?

(4) If it is permissible, under Article 34 of [Directive 2011/95], that holders of asylum status are obliged, on pain of a fine, to pass a civic integration examination, and that holders of asylum status bear the full costs of integration programmes, does the amount of the loan to be repaid, whether or not together with the fine, then undermine the achievement of the purpose and useful effect of Article 34 of [that directive]?'

Consideration of the questions referred

The first question

48 By its first question, the referring court asks, in essence, whether Article 34 of Directive 2011/95 must be interpreted as precluding Member State legislation pursuant to which beneficiaries of international protection are obliged to pass, on pain of a fine, a civic integration examination.

49 As the Court has held, beneficiaries of international protection, as long as they hold that status, must benefit from the rights guaranteed to them by Directive 2011/95, which include the right of access to integration programmes provided for in Article 34 of that directive (see, by analogy, judgment of 24 June 2015, *T.*, C373/13, EU:C:2015:413, paragraphs 95 and 97).

50 In order to determine whether Article 34 of Directive 2011/95 precludes national legislation such as that at issue in the main proceedings, it is necessary to consider its wording, the context in which it appears and the objectives pursued by the rules of which it forms part (see, by analogy, judgment of 12 September 2024, *Sagrario*, C63/23, EU:C:2024:739, paragraph 37 and the case-law cited).

51 As regards, first of all, the terms used in Article 34 of Directive 2011/95, it follows from them that, in order to facilitate the integration of beneficiaries of international protection into society, Member States are to ensure access to integration programmes which they consider to be appropriate so as to take into

account the specific needs of beneficiaries of refugee status or of subsidiary protection status, or create pre-conditions which guarantee access to such programmes.

52 Consequently, while that article requires the Member States to ensure that beneficiaries of international protection have access to integration programmes which they consider appropriate so as to take into account their specific needs, its wording does not make it possible, however, to determine whether a Member State may make compulsory participation in an integration programme, or even passing, on pain of a fine, the related examination.

53 Next, as regards the context in which Article 34 of Directive 2011/95 occurs, it should be recalled that, under Article 1 of that directive, the purpose of it is to lay down standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

54 That content of international protection is the subject of Chapter VII of Directive 2011/95, which comprises a number of rights and benefits, including, in addition to the access to integration programmes referred to in that Article 34, in particular access to information (Article 22 of that directive), access to employment (Article 26), access to education (Article 27), access to procedures for recognition of qualifications (Article 28), social welfare (Article 29), healthcare (Article 30), access to accommodation (Article 32) and freedom of movement within the Member State (Article 33).

55 While those other rights and benefits also contribute to ensuring that the beneficiary of international protection is integrated into the society of the host Member State effectively, it is common ground that exercising them is, for its part, facilitated by – or indeed, in essence, conditional on – the fact that the person concerned has been able to acquire, thanks to the integration programmes referred to in the said Article 34, the necessary knowledge, linguistic in particular.

56 The acquisition of that knowledge and, therefore, the participation in those programmes of beneficiaries of international protection who do not yet have the said knowledge is thus an important means both of ensuring that those persons integrate into the society of the host Member State and of enabling them effectively to exercise the rights and benefits provided for by Directive 2011/95.

57 It should be noted, however, that it is apparent inter alia from recitals 41 and 47 of Directive 2011/95, in the light of which Article 34 thereof must be read, that it is necessary to take into account the specific needs of beneficiaries of international protection and the particular integration challenges with which they are confronted and that those specific needs and the characteristics of their situation should be taken into account to the extent possible in the integration programmes which are offered to them, including, where appropriate, language courses.

58 Furthermore, as is apparent from the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Action Plan on the integration of third country nationals (COM(2016) 377 final, p. 4), individual integration needs may vary depending, inter alia, on the expected length of stay of the person concerned.

59 In that regard, it is apparent from Article 24 of Directive 2011/95 that, in principle, the duration of the residence permit that the host Member State is required to issue to beneficiaries of refugee status, on the one hand, and to beneficiaries of subsidiary protection status, on the other, is to be at least three years and renewable and at least one year and renewable, respectively. Persons benefitting from either status may therefore remain in the territory of the host Member State for a period sufficiently long for the EU legislature to want to ensure that they integrate into the society of the host Member State effectively. That is particularly so where those beneficiaries are settled or intend to settle on a long-term basis within the European Union.

60 In that context, it is also important to recall that Article 34 of the Geneva Convention, in observance of which Article 34 of Directive 2011/95 must be interpreted (see, to that effect, judgment of 14 May 2019, *M and Others (Revocation of refugee status)*, C391/16, C77/17 and C78/17, EU:C:2019:403, paragraph 74), provides that the Contracting States are as far as possible to facilitate the assimilation and naturalisation of refugees, their integration thus being seen, in that context, as a logical step towards their possible naturalisation by the host Member State.

61 Last, as regards the objective pursued by Article 34 of Directive 2011/95 and, more generally, by that directive, it is apparent from the very wording of that article that it seeks to facilitate the integration of beneficiaries of international protection into the society of the host Member State, whereas that directive seeks, as is apparent from recital 12 thereof, to ensure the application of common criteria for the identification of persons in need of international protection as well as a minimum level of benefits for those persons in all Member States. The Member States cannot therefore transpose that Article 34 in a manner which undermines those objectives.

62 It follows from the contextual and teleological interpretation of Article 34 of Directive 2011/95, used in paragraphs 53 to 61 of the present judgment, that, although the Member States enjoy a margin of discretion in deciding on the content of the integration programmes referred to in that article, as well as on the practical arrangements for the organisation of those programmes and the obligations that may be imposed on participants in that context, that margin of discretion must not be used in a way which would undermine the objectives mentioned in paragraph 61 of the present judgment or the effectiveness of that directive or which would infringe the principle of proportionality. In accordance with that principle, which is one of the general principles of EU law, the measures implemented by the national legislation transposing the said Article 34 must be such as to enable the objectives referred to in the same article to be achieved and must not go beyond what is necessary to achieve them (see, by analogy, judgment of 9 July 2015, *K and A*, C153/14, EU:C:2015:453, paragraphs 50 and 51).

63 Accordingly, the Member States are required to ensure that the content of the integration programmes referred to in Article 34 of Directive 2011/95 and the practical arrangements for organising those programmes and the obligations that may be imposed on participants in that context do not hinder in a disproportionate manner the effective access by beneficiaries of international protection to those programmes or indeed the effective exercise by those persons of the other rights and benefits which they derive from that directive, in which case the objectives of that directive and of Article 34 thereof would be undermined.

64 It is in the light of those considerations that the first question should be examined.

65 In terms of the obligation at issue in the main proceedings, it cannot be contested that, as has been noted in paragraphs 55 and 56 of the present judgment, the acquisition of knowledge of the language and society of the host Member State promotes the integration of beneficiaries of international protection into the society of the host Member State, by ensuring communication between those beneficiaries and nationals and by encouraging interaction and the development of social relations between them. Nor can it be contested that the acquisition of knowledge of the language of the host Member State makes it less difficult for the said persons to exercise the rights and benefits which they derive from Directive 2011/95, in particular accessing the labour market and vocational training (see, by analogy, judgments of 4 June 2015, *P and S*, C579/13, EU:C:2015:369, paragraph 47, and of 9 July 2015, *K and A*, C153/14, EU:C:2015:453, paragraph 53).

66 From that perspective, in so far as participation by beneficiaries of international protection, who do not yet have that knowledge, in integration programmes and the passing of a civic integration examination ensure the acquisition by those beneficiaries of knowledge which is undoubtedly useful in promoting their integration into the society of the host Member State and the exercise of the rights and benefits conferred

by Directive 2011/95, national legislation providing for the obligation to follow such programmes and to pass the related examination must be regarded as compatible with Article 34 of that directive, as long as it meets the conditions recalled in paragraphs 62 and 63 of the present judgment.

67 Such legislation, however, would undermine the right conferred on beneficiaries of international protection in Article 34 of Directive 2011/95 and would not enable the objective pursued by that provision to be achieved if it did not take into account, as regards the content of integration programmes and the practical arrangements for organising those programmes and the obligations that may be imposed on participants in that context, the specific circumstances characterising their situation, in particular as regards the level of knowledge required to pass the civic integration examination and accessibility of the courses and material necessary to prepare for that examination.

68 The importance of the Member States' taking into account the specific needs and personal circumstances of beneficiaries of international protection, as well as the particular integration challenges with which they are confronted, follows from the very wording of Article 34 of Directive 2011/95 and from recitals 41 and 47 thereof, which emphasise that such an individualised assessment is necessary in order to make effective the exercise by the persons concerned of the rights and benefits which they derive from that directive and, by the same token, to facilitate the rapid and successful integration of those persons.

69 The need to take into account, in that context, the personal and highly variable circumstances of beneficiaries of international protection is all the more necessary in view of their particular vulnerability, which is precisely what justifies granting that protection. Moreover, Article 20(3) of Directive 2011/95 provides that, when implementing Chapter VII of that directive, Member States are to take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

70 Thus, the integration measures referred to in Article 34 of Directive 2011/95 must aim not to penalise beneficiaries of international protection confronted with challenges in acquiring the knowledge that is intended to be imparted by means of integration programmes, but to facilitate the integration of those beneficiaries into the society of the Member States according to their individual abilities.

71 In particular, specific individual circumstances, such as the age, level of education, financial situation or health of the person concerned must be taken into consideration, also with a view to relieving him or her of the obligation to pass an examination such as that at issue in the main proceedings when, owing to those circumstances, that person is unable to take or pass that examination. Thus, if he or she were to fail the said examination owing to such circumstances, the beneficiary of international protection should be able to provide evidence of the reasonable efforts that he or she has made to pass the same examination.

72 In addition, any beneficiary of international protection should be relieved of the obligation to pass that examination if he or she is able to demonstrate, having regard to the living conditions and circumstances characterising his or her stay in the host Member State, that he or she is already effectively integrated into the society of that State.

73 Furthermore, the knowledge required to pass such an examination should be set at an elementary level, without exceeding what is necessary to promote the integration of beneficiaries of international protection into the society of the host Member State. Thus, account must be taken of the particular situation of those persons, in particular where they are not yet settled on a long-term basis in that Member State.

74 In any event, the fact of having failed such an examination cannot be systematically penalised by a fine. Such a penalty may be imposed only in exceptional cases, such as those demonstrating, on the basis of objective factors, a proven and persistent lack of willingness to integrate on the part of the beneficiary concerned. In addition, such a fine cannot, in any event, be of such a high amount as to place an unreasonable financial burden on the beneficiary concerned, account being had of his or her personal and family situation.

75 In the case at hand, the fine provided for by the Netherlands legislation at issue in the main proceedings applies systematically and can reach EUR 1 250. Such a measure, however, appears to be manifestly disproportionate to the objective pursued by that legislation.

76 In the light of all the foregoing considerations, the answer to the first question is that Article 34 of Directive 2011/95 must be interpreted as not precluding national legislation which obliges beneficiaries of international protection to pass a civic integration examination, provided that:

– the implementation of that obligation enables genuine account to be taken of the specific needs and characteristics of those beneficiaries' situation and of the particular integration challenges with which they are confronted;

– the knowledge required to pass that examination is set at an appropriate level, without exceeding what is necessary to promote the integration of those beneficiaries into the society of the host Member State;

– any beneficiary of international protection is relieved of the obligation to pass that examination if he or she is able to demonstrate, having regard to the living conditions and circumstances characterising his or her stay in the host Member State, that he or she is already integrated into the society of that State effectively.

On the other hand, that Article 34 must be interpreted as precluding the fact of having failed such an examination from being systematically penalised by a fine and also as precluding that fine from being of such an amount as to constitute an unreasonable financial burden for the person concerned, account being had of his or her personal and family situation.

Second to fourth questions

77 By its second to fourth questions, which it is appropriate to examine together, the referring court asks, in essence, whether Article 34 of Directive 2011/95 must be interpreted as precluding national legislation pursuant to which beneficiaries of international protection themselves bear the full costs of civic integration courses and examinations. It also asks whether the fact that those beneficiaries can obtain a loan from the public authorities in order to pay those costs and that they are granted a debt write-off in respect of that loan if they pass, within the period prescribed, their civic integration examination or if, within that period, they are exempted from or relieved of the civic integration obligation is relevant in that regard.

78 As a preliminary point, it should be noted that the wording of Article 34 of Directive 2011/95 requires Member States to ensure access to integration programmes which they consider appropriate or to create pre-conditions which guarantee access to those programmes, without expressly excluding the possibility, for those States, to make beneficiaries of international protection bear the related costs.

79 However, as is apparent from paragraphs 62 and 63 of the present judgment, the Member States, while enjoying a margin of discretion, are required to ensure that the content of those programmes and the practical arrangements for their organisation and the obligations which may be imposed on participants in that context do not disproportionately impede the effective access by those beneficiaries to those

programmes or the actual exercise by those persons of the other rights and benefits which they derive from that directive.

80 In that regard, it must be considered that, taking into account the specific needs of beneficiaries of international protection, the characteristics of their situation and their particular vulnerability, the principle of proportionality and the effectiveness of the right of access to integration programmes provided for in Article 34 of Directive 2011/95 preclude Member States from making those beneficiaries bear the costs of compulsory integration measures. Such measures should therefore, in principle, be free of charge. That being so, neither the principle of proportionality nor the effectiveness of that Article 34 precludes Member States from requiring, where appropriate, beneficiaries of international protection who have sufficient financial means to make a financial contribution which is not unreasonable.

81 In the case at hand, it is apparent from the information available to the Court that the national legislation at issue in the main proceedings requires, in principle, all beneficiaries of international protection to bear the full costs of integration arrangements, which can be very high.

82 It is true that beneficiaries of international protection may request a loan of a maximum amount of EUR 10 000 in order to bear the costs of the civic integration programme, that loan not having to be repaid if they pass all components of that programme's examinations within the period prescribed or if they are exempted from or relieved of the civic integration obligation within that period. However, if they have not fulfilled that obligation or have fulfilled it belatedly, those beneficiaries must repay that loan, in principle, in full within a maximum period of 10 years, it being understood that, in specific cases, a total or partial debt write-off is possible under certain conditions.

83 In addition, account may be taken of the debtor's financial capacity when fixing the amount of the instalments which must be repaid each month. In case of inability to pay on the part of the person concerned, the Minister is to fix the amount to be repaid at EUR 0 per month. Any balance outstanding after 10 years is to be written off, with the exception of monthly arrears.

84 While it is apparent from the considerations set out in paragraphs 82 and 83 of the present judgment that the possibility of taking out a loan in order to meet the costs of the civic integration programme is conceived in a way which implies a certain taking into account of the individual financial capacity of the beneficiary of international protection, the fact remains that, contrary to the considerations set out in paragraph 80 of the present judgment, that beneficiary remains, in principle, obliged to bear the – potentially very high – costs of that programme, unless he or she passes the civic integration examination in time or is exempted from or relieved of the obligation to repay the loan taken out. Moreover, as long as the obligation to pass the civic integration examination is incumbent on him or her, uncertainty necessarily surrounds both the total amount of the loan which that beneficiary will ultimately have to repay and the duration of the period during which he or she will remain indebted to the public authorities, which may be very long.

85 In such circumstances, making the beneficiary of international protection bear, in principle, all the costs of the courses and examinations of the civic integration programme undermines the objective of ensuring that that beneficiary integrates into the society of the host Member State effectively by placing an unreasonable burden on him or her which hinders not only the effective access of that beneficiary to the civic integration programme, but also the exercise by the same beneficiary of the other rights and benefits which he or she derives from Directive 2011/95.

86 In the light of all the foregoing considerations, the answer to the second to fourth questions is that Article 34 of Directive 2011/95 must be interpreted as precluding national legislation pursuant to which beneficiaries of international protection themselves bear the full costs of civic integration courses and examinations. The fact that those beneficiaries can obtain a loan from the public authorities in order to pay

those costs and that they are granted a debt write-off in respect of that loan if they pass, within the period prescribed, their civic integration examination or if, within that period, they are exempted from or relieved of the civic integration obligation is not capable of remedying the incompatibility of that legislation with that Article 34.

Costs

87 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Grand Chamber) hereby rules:

1. **Article 34 of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted**

must be interpreted as meaning that it does not preclude national legislation which obliges beneficiaries of international protection to pass a civic integration examination, provided that:

– **the implementation of that obligation enables genuine account to be taken of the specific needs and characteristics of those beneficiaries' situation and of the particular integration challenges with which they are confronted;**

– **the knowledge required to pass that examination is set at an appropriate level, without exceeding what is necessary to promote the integration of those beneficiaries into the society of the host Member State;**

– **any beneficiary of international protection is relieved of the obligation to pass that examination if he or she is able to demonstrate, having regard to the living conditions and circumstances characterising his or her stay in the host Member State, that he or she is already effectively integrated into the society of that State.**

On the other hand, that Article 34 must be interpreted as precluding the fact of having failed such an examination from being systematically penalised by a fine and also as precluding that fine from being of such an amount as to constitute an unreasonable financial burden for the person concerned, account being taken of his or her personal and family situation.

2. **Article 34 of Directive 2011/95**

must be interpreted as meaning that:

– **it precludes national legislation pursuant to which beneficiaries of international protection themselves bear the full costs of civic integration courses and examinations;**

– **the fact that those beneficiaries can obtain a loan from the public authorities in order to pay those costs and that they are granted a debt write-off in respect of that loan if they pass, within the period prescribed, their civic integration examination or if, within that period, they are exempted from or relieved of the civic integration obligation is not capable of remedying the incompatibility of that legislation with that Article 34.**

[Signatures]

* Language of the case: Dutch.

i The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.