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PRESS RELEASE
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[Brussels, 18 July 2022]

EU Rights Clinic and FEANTSA welcome move by European Commission to start infringement proceedings against Belgium over EU jobseekers

The [EU Rights Clinic](#) and [FEANTSA](#) welcome the [decision](#) by the [European Commission](#) to open [formal infringement proceedings](#) against Belgium for its **failure to comply with the ruling on the rights of EU jobseekers** handed down by the EU Court of Justice in [Case C-710/19 G.M.A.](#) in December 2020.

This follows the lodging of a [joint complaint](#) by the EU Rights Clinic and FEANTSA in October 2021 against Belgium for **non-compliance with the judgment**, of which you can read the press release [here](#). The [complaint](#) addressed the ongoing non-compliance with EU law by the [Belgian Immigration Office](#) in **its refusal to register the right of residence of jobseekers** on the basis that *they have not demonstrated a genuine chance of finding employment* in the first six months of their residence, even if they can prove they are genuinely looking for work.

The application of the offending legislation remains a problem in practice, with jobseekers continuing to be refused registration of their residence by the Belgian Immigration Office. In view of the fact that this situation has persisted in Belgium for several years (see [here](#) and [here](#)), **our complaint urged the Commission to take a strong enforcement stance and bring formal infringement proceedings against Belgium** under [Article 258](#) of the Treaty for the Functioning of the European Union.

The European Commission has agreed with our joint assessment and decided to send a letter of formal notice to Belgium because it considers that Belgium's rules for first-time EU jobseekers are contrary to EU law.

Belgium now has two months to take the necessary measures to comply with the ruling. In the event the Belgian authorities fail to take the appropriate measures and amend its offending legislation, the Commission may decide to send a reasoned opinion before bringing the matter before the [EU Court of Justice](#) in an action for Belgium's [failure to fulfil its obligations](#).

The [EU Rights Clinic](#) and [FEANTSA](#) will continue to advocate for the Commission to ensure Belgium complies with the European court's [ruling in the GMA case](#).

Factual background

1. In 2016, Mr. G.M.A. who is a Greek national applied to register his residence as a jobseeker. However, the Belgian Immigration Office subsequently refused G.M.A. permission to stay for more than three months, based on the fact that he could not provide evidence of having a genuine chance of being engaged, according to the Immigration Office in Belgium.
2. With the support of the EU Rights Clinic and FEANTSA, Mr. G.M.A. appealed against the decision before the Belgian courts, which referred the matter to the EU Court of Justice for a binding legal opinion on the interpretation of the relevant EU rules.
3. On 17 December 2020, the EU Court of Justice handed down its judgment in case C-710/19 G.M.A regarding the interpretation of the EU rules on the free movement of workers.
4. In its ruling, the Court explicitly ruled that the **Belgian authorities cannot require jobseekers to demonstrate that they are seeking employment when they first register** and has held that the obligation to provide a “genuine chance of being engaged” may only legitimately be imposed on jobseekers **after they have been given a “reasonable period of time” to find work, which should generally be at least six months.**
5. **Belgian legislation has still not been amended to address the issues of non-compliance** identified by the EU Court of Justice in its ruling. As a result, Belgian law still requires EU jobseekers who apply for registration of their residence to demonstrate not only that they are looking for work but also that they have a genuine chance of being engaged, in direct contravention of the ruling.
6. The application of the law is also **a problem under the Brexit Withdrawal Agreement** respect with British citizens being denied the right to continue residing in Belgium as demonstrated by a recent ruling of the Belgian Council for Alien Law Litigation (judgment No 272.170 of 29 April 2022).

The **EU Rights Clinic** is a collaboration between ECAS and the University of Kent in Brussels. As part of the project led by FEANTSA on Protecting the Rights of Destitute EU mobile Citizens, which is funded by EPIM, the EU Rights Clinic is engaging in strategic litigation in respect of breaches of free movement rights in EU Member States which affect EU citizens who are at risk of destitution.

FEANTSA is the European Federation of National Organisations Working with the Homeless. We are the only European NGO focusing exclusively on the fight against homelessness. Our goal is an end to homelessness in Europe. We work with over 115 member organisations from 24 countries. FEANTSA's members are predominantly NGOs working with homeless people, but also include other stakeholders involved in the fight against homelessness such as public authorities, social housing providers, foundations, and research entities.



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