



COMPLAINT
TO THE EUROPEAN COMMISSION
CONCERNING
THE FAILURE BY BELGIUM TO COMPLY WITH EU LAW
CONCERNING
THE FAILURE TO AMEND ITS LEGISLATION
TO ENSURE COMPLIANCE WITH
THE JUDGMENT OF THE COURT OF JUSTICE
IN CASE C-710/19 G.M.A. v BELGIUM
CONCERNING
THE RESIDENCE RIGHTS OF EU JOBSEEKERS

Executive summary:

1. This complaint is jointly submitted by the EU Rights Clinic and FEANTSA.
2. This complaint is being submitted to address the ongoing issues of non-compliance by Belgium in consequence of the ruling handed down by the Court of Justice of the EU in Case C-710/19 *G.M.A.* which was handed down on 17 December 2020.
3. The Belgian authorities have yet to comply with the judgment and we therefore seek the intervention of the Commission to bring infringement proceedings against Belgium for its failure to respect EU law.
4. While the proceedings before their national courts relating to Case C-710/19 *G.M.A.* are in the process of reaching their natural conclusion and all remedies at national level have been exhausted, Belgian legislation has not been amended to address the issues of non-compliance identified by the Court of Justice EU in its ruling.
5. 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. This must be demonstrated at the time a jobseeker is applying for registration at the municipality following their arrival. Such a requirement is contrary to what the Court of Justice has decided in Case C-710/19 *G.M.A.* in which it ruled that such evidence can only be required from a jobseeker after they have been given a reasonable period of at least six months to find work.
6. The application of the offending legislation remains a problem in practice, with jobseekers continuing to be refused registration of their right of residence by the Belgian Immigration Office on the basis that they have not demonstrated they have a

genuine chance of being engaged. This means a significant proportion of EU jobseekers continue to be refused recognition of their initial right of residence in Belgium in breach of EU law.

7. The current provisions of Belgian law are in breach of the ruling in Case C-710/19 *G.M.A.* because they require a jobseeker to demonstrate that they have a “genuine chance of being engaged” when they apply for their first registration of residence in Belgium at the local municipality.
8. Furthermore, the obstacles which jobseekers face when registering in Belgium are compounded by the administrative practice of the Belgian Immigration Office to interpret in a very restrictive manner the concept of a “genuine chance of being engaged”.
9. For these reasons and in view of the fact that this situation has persisted in Belgium for several years, we respectfully call on the Commission to take robust enforcement action against Belgium to ensure that it brings its legislation into compliance with EU law and the ruling of the Court of Justice.
10. In the event the Belgian authorities fail to rectify the problems identified in this complaint without further delay, the Commission is invited to take further specified recommended actions, including taking the matter to the EU Court of Justice.
11. A petition will be lodged by the EU Rights Clinic before the European Parliament at the same time as this complaint.

Submitted on behalf of the EU Rights Clinic and FEANTSA.

Anthony Valcke
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EU Rights Clinic

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