



EUROPEAN COMMISSION

PRESS RELEASE

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Free movement of workers: Commission refers Belgium to Court for discriminatory access to local public sector jobs

The European Commission has decided to refer Belgium to the EU's Court of Justice because of discriminatory conditions for candidates wishing to work in the local public sector in the French and German speaking regions, as well as the Brussels region, and who have not followed education in Dutch, French or German. In particular, candidates' knowledge of languages is only recognised if they obtain a certificate issued by the Belgian governmental recruitment service (SELOR). No other certificates are accepted as proof of language knowledge.

The European Commission considers the legislation in question ("loi sur l'emploi des langues en matière administrative") to be discriminatory, disproportionate and in breach of EU law on free movement of workers as laid down in Article 45 of the [Treaty on the Functioning of the EU](#), and [Regulation 1612/68 on the free movement of workers](#) (now codified by Regulation 492/2011).

Following a complaint by a Dutch citizen, the Commission requested Belgium to put an end to these discriminatory conditions and to comply with EU law (a reasoned opinion was sent on 19 May 2011 - see [IP/11/602](#)).

According to Court of Justice case-law ([Judgment of 6 June 2000, case C-281/98](#)), employers may require a certain level of language knowledge and may require a diploma to prove that knowledge. However, the fact that it is not possible to prove the required linguistic knowledge by another means - in particular by equivalent qualifications obtained in other Member States - is disproportionate and amounts to discrimination on grounds of nationality.

Following the reasoned opinion, the Flemish Government adopted the necessary measures to ensure compliance with EU law, and now accepts other language knowledge certificates than SELOR's. The French speaking Community has adopted some measures but the process has not been completed yet. The Federal Government, which is also responsible for the German speaking regions, Brussels and some other communes with special status, has not formally adopted any measure to ensure compliance with EU law.

Further information

[Free movement – EU nationals](#)

For more information on infringement procedures:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

On the general infringement procedure: [MEMO/12/12](#)

On the September infringement package decisions: [MEMO/13/820](#)

Homepage of László Andor, EU Commissioner for Employment, Social Affairs and Inclusion: http://ec.europa.eu/commission_2010-2014/andor/index_en.htm

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