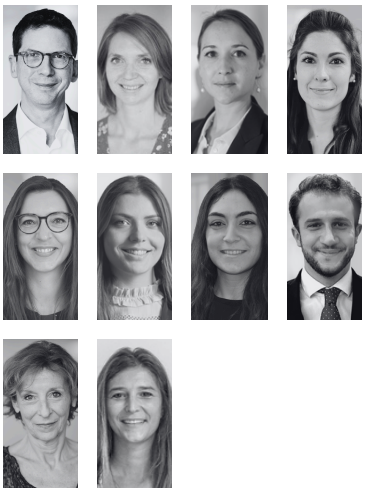
DALDEWOLF

the OFFICI@L

legal newsletter on European civil service law
newsletter juridique de la fonction publique européenne
April 2025 – number 101 – 12th year

contact : theofficial@daldewolf.com www.daldewolf.com



OUR TEAM

DALDEWOLF:

European Union Law and Human Rights:

Thierry BONTINCK
Anaïs GUILLERME
Marianne BRÉSART
Laura JAKOBS
Lucie MARCHAL
Louise BOUCHET
Sabrina NAPOLITANO
Federico PATUELLI

Belgian Law:
Dominique BOGAERT

In partnership with PERSPECTIVES law firm:

Family Law:

Candice FASTREZ

EDITORIAL

Dear readers,

We hope you had a great Easter break!

This issue features a review of recent case law concerning language rules in EPSO competitions, along with a comparative analysis of the General Court's rulings in cases T-20/24 and T-349/23 on psychological harassment.

In the Belgian Law section, we explore the new rules on legal guarantees applicable to the sale of live animals.

This newsletter is also yours, and we welcome all your suggestions for our upcoming issues. Please feel free to contact us by email at: theofficial@daldewolf.com.

The DALDEWOLF team

Language Rules in EPSO Competitions: Framework and Recent Case Law

Linguistic diversity is a fundamental value of the European Union, both symbolically and legally. It is enshrined in Article 3 of the Treaty on European Union, which states that the EU "respects its rich culturaland linguistic diversity", as well as in Article 22 of the Charter of Fundamental Rights of the European Union.

This principle is implemented through specific legal instruments, notably Council Regulation No. 1/58, which establishes the EU's 24 official languages asthe working languages of its institutions. Article 6 of the Regulation grants EU institutions a degree of autonomy to determine, in their internal rules, how multilingualism is applied— including the possibility to limit the number of working languages. This framework is complemented byArticle 1d of the Staff Regulations of Officials of the European Union, which prohibits any discrimination based on language,unless objectively justifiedby the needs of the service.

In practice, however, particularly in recruitment procedures organised by the European Personnel Selection Office (EPSO), linguistic diversity often comes up against operational restrictions. These frequently limit candidates' choice of language to English and French — a trend that regularly raises concerns about respect for the principles of equal treatment and non-discrimination of all candidates.

Recent case law from the General Court of the European Union has provided important clarification on the legality of such restrictions, revealing the ongoing tension between the institutional reality -marked by the predominance of English- and the multilingual ideal.

In two cases dated 8 May and 9 October 2024 (Cases T-555/22 and T-7/23), the General Court annulled competition noticesthat required English as a mandatory second language. The actions, partly brought by the French Republic, led the Court to conclude that such restrictions amounted to discrimination on linguistic grounds in the absence of an objective and proportionate justification.

The Court held that the European Commission had failed to demonstrate that immediate proficiency in English was essential for the duties in question. Moreover, it had not substantiated that alternatives — such as language trainingfollowing recruitment — would be inadequate.

Nonetheless, the Court also made clear that language restrictions are not automatically unlawful. They may be upheld if they are based on objective, transparent foreseeable and strictly necessarycriteria directly linked to the requirements of the service. In a judgment delivered on 10 July 2024 (Case T-216/23), the General Court upheld a restriction to English and French for positions in the field of international cooperation and aid to third countries. The decision was supported by concrete and verifiable evidence, including usage statistics, internal communications, and job descriptions, demonstrating the predominant use of these languages in the departments concerned.

These rulings confirm that EU institutions must meet a high threshold when restricting language choices in selection procedures. A general reference to the widespread use of Englishor French is not sufficient. Institutions must provide detailed, evidence-based justification showing that knowledge of a specific language is essential from the outset to perform the role described in the competition notice.

In cases T-555/22 and T-7/23, the Court also underscored the lack of evidence demonstrating that the language restriction was proportionate, particularly given the potential for language acquisition post-recruitment. Restrictions must be directly linked to the actual responsibilities of the post and cannot be justified solely by institutional habits or internal convenience.

In conclusion, the recent case law makes it clear that limitations on language choice are not inherently incompatible with EU law. However, they must satisfy strict conditions of justification, transparency, and proportionality. Institutions bear the burden of proving that the language skills

required meet the actual needs of the post and the restriction does not constitute hidden discrimination.

Case law – Psychological harassment – European Parliament Anti-Harassment Committee

The EU General Court recently ruled on the European Parliament's procedures and practices for handling allegations of harassment within its institution.

On 12 February 2025, the EU General Court delivered its judgment in case T-20/24 (TU and BY v European Parliament), annulling two decisions of the European Parliament rejecting requests by parliamentary assistants for access to the administrative investigation report on allegations of harassment against them.

One month later, on 12 March 2025, the EU General Court delivered its judgment in Case T-349/23, annulling a decision of the President of the European Parliament imposing a penalty on a Member of the European Parliament on the ground that certain conduct alleged against that Member constituted harassment.

Background to the two cases

In the first case (T-20/24), the applicants, both accredited parliamentary assistants, had submitted requests for assistance in relation to alleged harassment by their Member of Parliament. In June 2022, the Parliament's Anti-Harassment Committee (hereinafter 'the Committee'), after conducting an administrative investigation, sent its investigation report to the President of Parliament. The latter subsequently adopted a decision finding that the Member had harassed the two applicants and a decision on the sanctions to be imposed on the Member.

The applicants requested a copy of the Committee's investigation report from the Committee so that they could use it in legal proceedings against the Member of Parliament. However, their request was rejected by the Committee on grounds of confidentiality, which also stated that access to its report could only be granted at the request of a national court.

In the second case (T-349/23), the Committee had informed the applicant, a (former) Member of the European Parliament, of the opening of an investigation against her following a complaint lodged by her former accredited parliamentary assistant. After submitting written observations to the Committee on the complainant's allegations, the applicant was invited to a hearing by the Committee, which she was unable to attend as she was denied the assistance of a lawyer.

The Committeesubsequently adopted its report on the complaint, concluding that there had been psychological harassment on the part of the applicant. The President of the European Parliament then communicated an anonymised version of the report, without the testimonies and other documents in the file, and imposed a sanction on the applicant withouthearing her orally beforehand.

The violations identified

In the first case, the EU General Court found that the decisions adopted by the Committee did not specify the information covered by confidentiality or the reasons for keeping the Committee's report confidential in its entirety from the applicants who had made the initial request for assistance.

Consequently, in the absenceof a legitimate interest in confidentiality, the Court concluded that the Parliament should have forwarded the Committee's report to the applicants, if necessary in a non-confidential version.

In the second case, the applicant, a Member of the European Parliament, complained, inter alia, about the failure to grant her a hearing before the President of the Parliament, the refusal to allow her to be assisted by a lawyer before the President of the Parliament and the anonymisation of the annexes to the Committee's report, which made it impossible for the applicant to defend herself.

The Court concluded that the applicant's rights of defence had not been respected insofar as the Committee's report, in the anonymised version shared with the applicant, did not reflect the substance of the evidence gathered and did not enable the applicant to effectively understand the natureof the allegations and to defend herself.The Court recalled, in particular, its case law according to which, in proceedings seeking to establish the existence of harassment, the general principle of respect for the rights of the defence requires that, subject to any confidentiality requirements, the person concerned must, prior to the adoption of the decision adversely affecting them, be given access to all the documents in the file, both incriminating and exonerating, relating to the harassment, and be heard.

Comparative analysis of the two judgments

The main point in common between these two judgments, delivered one month apart, is that they highlight the shortcomings in the procedures and practices of the European Parliament, and in particular of the Advisory Committee responsible for examining complaints of harassment, in the handling of allegations of psychological harassment, both on the part of the victimsand the alleged perpetrators of harassment.

This Committee has already been criticised in the past, including by MEPs themselves in their Resolution C/2023/1224 of 1 June 2023, calling for greater transparency and professionalism.

The two judgments of the General Court rightly reiterate this need for transparency and respect for the rights of defence in all administrative proceedings, in accordance with the right to good administration enshrined in Article 41(2) of the Charter of Fundamental Rights of the European Union.

It would have been welcome if the Court, in ruling on the dispute in Case T-349/23,had also examined the legality of the decisionsnot to hear the person concernedorally on the allegations and to refuse him the assistance of a lawyer,both before the Committeeand before the Presidency of the EuropeanParliament. This may seem obvious, but it is never superfluous to point it out.

New guarantee rules specific to the sale of live animals in Belgium: what you need to know

May 1, 2025, marks the first anniversary of the new Belgian law on the legal guarantee for the sale of live animals. On this occasion, it is importantto highlight the key elements of this legislation and its impact on consumers and professional vendors.

New warranty rules in Belgium

Since May 1, 2024 (i.e., when Law of 21 February 2024 took effect), Belgium has applied specific guarantee rulesto live animalssold by professionals to consumers. This law applies only to contracts concluded after this date. Animals purchasedbefore May 1, 2024, remain subject to the guarantee rules for ordinary consumer goods.

The new guarantee rules apply to all live animals, including those not yet born at the time of the contract conclusion. However, they do not apply to animals intended for human consumption or those used as bait or feed for other animals.

Defects covered by the warranty

The legal guarantee covers any "non-conformity defect" in the animal,meaning any health problem or characteristic that does not conform to what is stipulated in the contract or what the consumer can reasonably expect. This includes infectious diseases, congenital malformations, as well as characteristics such as the animal's age and sex.

The duration of the legal guarantee is one year from the delivery of the animal to the consumer. If a health problem or non-conforming characteristic is discovered during this period, it is presumedthat this problem existed at the time of delivery. The vendor must prove otherwise if they contest this presumption.

Procedure in case of health problems or non-conformity

In case of a problem, the consumer must immediately inform the vendor. If the problem is not reported, the vendor may not be responsible for any additional damage caused to the animal. The consumer is entitled to repair or replace the animal. If the cost of care is disproportionate, the vendor cannot exceed a certain expenditure ceiling. The consumer may also request a price reduction or terminate the contract in serious situations.

To treat an animal, the consumer must first give the vendor the opportunity to do so. If immediate intervention by a veterinarian is necessary, the consumer can choose their own veterinarian and request reimbursement of reasonable costs. However, they must prove that the intervention was manifestly necessary, while the vendor must demonstrate that the requested costs are unreasonable.