

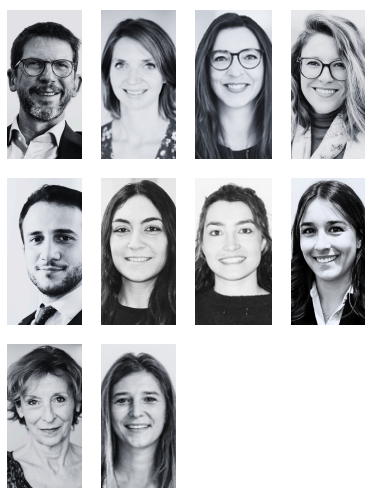


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contact : theofficial@daldewolf.com

www.daldewolf.com



OUR TEAM

DALDEWOLF:

European Union Law and Human Rights:

Thierry BONTINCK
Anaïs GUILLERME
Lucie MARCHAL
Celia ANDRÉ
Pauline BAUDOUX
Telma BONNENFANT
Sabrina NAPOLITANO
Federico PATUELLI

Belgian Law:
Dominique BOGAERT

*In partnership with
PERSPECTIVES law firm:*

Family Law:

Candice FASTREZ

EDITORIAL

Dear readers,

For this 111th edition of our newsletter, we propose a focus on the regime governing outside activities in the European civil service, a natural extension of the case-law commentary published in our previous issue.

In terms of case law, our attention has been drawn to a recent judgment of the Court of Justice of the European Union clarifying the notion of so-called "passive" or "collective" harassment and the evidentiary requirements attached to it.

Finally, with the warmer months approaching, our "Belgian Law" section will review the various forms of cycling-mobility support available to EU staff residing in Brussels and Belgium.

Is there a topic that interests you or raises questions? Share it with us: a future issue of *the Offici@l* could explore it and offer you a unique perspective.

We look forward to receiving your suggestions at: theofficial@daldewolf.com.

The DALDEWOLF team

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Focus – Outside activities in the European civil service

1. Legal framework

The rules governing outside activities in the European civil service are based primarily on the Staff Regulations and the Conditions of Employment of Other Servants (CEOS), in particular Articles 11, 11a, 12b and 16 of the Staff Regulations. Thus, an official must perform his or her duties and conduct himself or herself solely with the interests of the Union in mind (Article 11) and must refrain from any act or conduct that might bring his or her office into disrepute (Article 12).

Furthermore, the Commission Decision of 29 June 2018 on outside activities specifies both the scope of the activities concerned (any activity, whether remunerated or not, outside the staff member's duties and which cannot be regarded as a mere leisure activity) and the procedures for monitoring by the Appointing Authority (AIPN).

2. The prior authorisation regime

The cardinal principle remains that of prior authorisation. In accordance with Article 12b of the Staff Regulations, any staff member wishing to engage in an outside activity must obtain the authorisation of the Appointing Authority, which may only be refused if the activity interferes with the staff member's duties or is incompatible with the interests of the institution. Furthermore, the staff member must inform the Appointing Authority of any change to the activity or mandate occurring after their request for authorisation. Authorisation may be withdrawn if the activity or mandate no longer meets the conditions.

Certain activities are prohibited or subject to strict control (Article 5): activities carried out during working hours and not covered by duly approved leave, which interfere with the staff member's duties, create a conflict of interest or undermine public confidence, and activities which, taken alone or in combination with other authorised external activities, result in remuneration exceeding the ceiling referred to in Article 3(1) of Council Decision 61/15, namely 5,000 euros per calendar year, and to that referred to in Article 7(1) of Commission Decision of 29 June 2018, namely €10,000 per calendar year (after deduction of taxes or other charges related to such activities).

Conversely, the 2018 decision introduces a mechanism of 'implicit permission' (Article 4) for certain activities considered to be inherently compatible. This applies in particular to activities that are unpaid or do not generate income, carried out in a private capacity (not in a professional capacity, nor on behalf of a commercial entity), outside working hours or during duly approved leave, and which do not compromise the impartiality or reputation of the institution.

As regards the period of validity of the authorisation, a new application must be submitted for any extension or renewal of the activity or assignment (at least two months before the expiry of the previous authorisation).

3. Specific rules depending on the situation

The decision also sets out specific rules depending on the situation.

In the case of part-time work: A member of staff who has chosen to work part-time may only undertake unpaid external activities (Art. 9). As regards staff members who have been offered only a part-time contract (structural part-time), the decision formally recognises that they may carry out both unpaid and paid external activities (with no remuneration cap) (Art. 10).

In the case of leave on personal grounds, certain activities do not need to be declared if they are unpaid, non-professional, unrelated to a commercial entity and have no impact on the institution's reputation; this includes, in particular, charitable, educational, cultural, sporting or political activities.

Following the termination of service, a notification regime applies for two years. Indeed, using a specific form, staff members must inform the Commission of their intention to undertake a professional activity at least 30 days before the scheduled start date and must not commence this activity before receiving explicit or implicit authorisation.

4. The consequences of a breach

Failure to comply with the applicable rules exposes the staff member to significant legal

consequences^[1]. Indeed, the decision expressly provides that any breach of the rules on outside activities may give rise to disciplinary sanctions in accordance with Article 86 of the Staff Regulations.

In substance, breaches may result in particular from the absence of prior authorisation; the pursuit of an activity incompatible with the institution's interests; or the improper use of information or of the official's status for private purposes.

Furthermore, certain obligations remain in force after the official has ceased their duties, as mentioned previously.

5. Best practices

A proactive approach to transparency is essential: any activity likely to fall within the scope of statutory scrutiny must be declared, ideally in advance and with a complete file (including, in

particular, details regarding remuneration).

Next, the official must carry out a thorough risk assessment, taking into account not only actual conflicts of interest but also the appearance of such conflicts, which is particularly sensitive in the European institutional environment. The limits set by the decision must be strictly observed, as must the prohibition on using the institution's non-public resources or information.

Finally, vigilance must continue after the end of service, with particular attention paid to compliance with the duties of honesty and discretion regarding the acceptance of certain posts or benefits (Article 16 of the Staff Regulations).

[1] We refer you to Order T-214/25, IR v Council, of 10 February 2026, discussed in our April 2026 issue.

Case-law - "Passive" or "collective" harassment: the Court clarifies the requirement of individualised prima facie evidence (CJEU, 16 April 2026, C-343/23 P, Colombani v EEAS)

The judgment delivered on 16 April 2026 by the Court of Justice clarifies the conditions under which the notion of so-called "passive" or "collective" psychological harassment may be relied upon, and specifies the burden of proof borne by the person invoking it at the stage of the request for assistance.

Facts

The applicant, an official assigned to the European External Action Service (EEAS), had submitted a request for assistance on the basis of Article 24 of the Staff Regulations, complaining of a degraded working environment which he attributed not to an isolated act or conduct of an identified superior or colleague, but to a collective attitude and to the passivity of those in his professional environment.

By decision of 15 June 2021, the EEAS had refused to open an administrative inquiry and to adopt protective measures, in the absence of sufficiently probative evidence of individualised conduct

capable of being characterised as psychological harassment within the meaning of Article 12a of the Staff Regulations.

By judgment of 22 March 2023 (T-113/22), the General Court dismissed the action for annulment, and the applicant brought an appeal against that judgment.

The notion of "passive" or "collective" harassment

The Court first recalls the autonomous definition of psychological harassment set out in Article 12a(3) of the Staff Regulations: any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

The principal contribution of the judgment is the

following: the Court accepts that harassment may, in principle, take a "passive" form (omissions, sidelining, organised silences) or a "collective" form (the converging attitude of a group of persons). The Court therefore declines to confine the notion to positive acts of harassment alone, emanating from a single, identified perpetrator.

The burden of proof: individualised prima facie evidence

However, the Court immediately specifies the limit of that opening: the official or other servant must adduce, at the stage of the request for assistance, prima facie evidence of individual and intentional conduct attributable to each of the persons called into question.¹ In the absence of coordinated conduct between the alleged harassers, the failure of a person to intervene to prevent the improper acts of another, of which that person is aware, does not, in principle, constitute psychological harassment. In that regard, a generic reference to a degraded working climate, to a sense of isolation, or to difficult working relationships is not sufficient.

The Court thus confirms that the Appointing Authority is not required to open an administrative inquiry, or to adopt interim protective measures, on

the basis of allegations which, however sincerely felt, do not identify with sufficient precision the conduct complained of and its perpetrators.

Consequences for the duty to investigate and for the liability of the EEAS

It follows that, in the absence of individualised prima facie evidence, the institution does not incur liability by refusing to act upon the request for assistance. The appeal is dismissed.

Conclusion

The judgment under review occupies a pivotal place: it recognises, for the first time so clearly, that psychological harassment may be passive or collective. However, it makes that conceptual opening subject to a strict evidentiary requirement. For the official or other servant who considers themselves to be a victim, the practical lesson is clear: to document precisely and by name each act, omission or conduct complained of, and to establish its repetitive and intentional character.² In the case of collective harassment, the burden of proof applies in respect of each of the alleged harassers and also extends to proof of coordinated conduct on the part of the alleged harassers.

Belgian Law – Cycling mobility in Belgium : what support is available for Brussels and Belgian residents?

As an increasing number of European Union officials and staff members based in Brussels or elsewhere in Belgium consider using bicycles for commuting between home and work, it is necessary to identify the main financial support mechanisms available. These derive both from federal law, including tax and social security arrangements, and from regional and local schemes, as well as internal practices specific to each institution.

1. Bicycle mileage allowance (employment law and tax regime)

In Belgium, private-sector employees benefit, on the basis of Collective Labour Agreement No. 164, from a bicycle mileage allowance for travel between home and the workplace.

For the 2026 income year, this allowance

benefits from a favorable tax and social security regime: it is exempt from income tax and social security contributions up to EUR 0.37 per kilometer, subject to an annual ceiling of EUR 3,700 per employee. Amounts exceeding these thresholds are taxable as remuneration.

This regime does not directly apply to officials and other staff of the European Union institutions, whose status is governed by European civil service law. It nevertheless remains relevant for members of their household who are subject to Belgian law.

2. Bruxell’Air grant

As part of the European recovery plan NextGenerationEU, which aims to support economic recovery and facilitate the green and digital transitions, the Bruxell’Air grant, identified as a priority by the Government of the Brussels-Capital

Region, benefits from funding of EUR 7 million. Established by the decree laying down the conditions for granting the Bruxell’Air grant, the scheme is based on the allocation of a mobility budget ranging from EUR 526 to EUR 1,052 depending on household income, to natural persons domiciled in one of the 19 municipalities of Brussels.

The grant is conditional upon the deregistration of a vehicle licence plate held for at least one year, with the application to be submitted within six months following the deregistration. The beneficiary undertakes, for themselves and for members of their household, not to register a new vehicle (car or motorcycle) or benefit from a company vehicle for a period of one year, failing which the aid must be repaid. The mobility budget, which is valid for two years, may be used exclusively by the applicant and their household to finance alternative mobility services, including public transport, vehicle-sharing services, as well as a dedicated budget for cycling and micromobility, allowing for the purchase of bicycles or related equipment. The choice of services and amounts is final and cannot be modified or reimbursed.

3. Local support measures

In the absence of a regional grant for individuals in Wallonia and Flanders, financial support largely relies on municipalities, which offer subsidies for the purchase of bicycles, whether standard, electric or cargo.

These subsidies generally take the form of a flat-rate amount or a percentage of the purchase price, most often ranging between EUR 50 and EUR 400, with possible increases

depending on income level or the type of bicycle.

Access to these schemes is typically subject to conditions such as residence in the municipality, purchase from a professional retailer, submission of an application within a specified time limit, and a commitment to retain the bicycle for a minimum period.

Given the evolving nature of these support measures, it is recommended to consult the website of the municipality of residence or the following portal: [Tax benefits and bicycle grants](#) | [Mobility](#).

4. Internal measures within the European institutions

Several institutions have introduced internal measures to support sustainable mobility, including secure bicycle parking, changing rooms and showers, mobility plans, financial contributions towards the purchase of safety equipment, and framework agreements with bike-sharing operators. These measures vary significantly from one institution to another, and it is advisable to contact the mobility or human resources department for further information.

Conclusion

Support for cycling mobility in Belgium currently relies primarily on the federal bicycle mileage allowance, complemented in Brussels by a targeted regional scheme and, elsewhere, by municipal support measures.

For officials and other staff of the European Union residing in Belgium, a combined use of these mechanisms can, in many cases, significantly reduce the cost of switching to cycling.