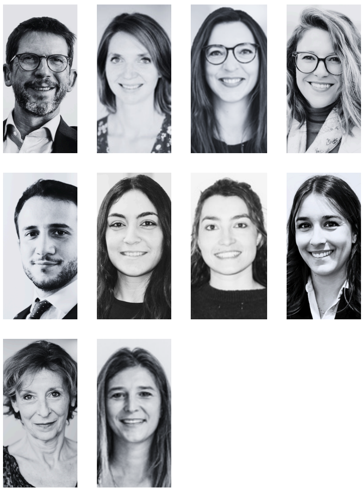
DALDEWOLF
Renouveau & Démocratie

the OFFICI@L

legal newsletter on European civil service law
newsletter juridique de la fonction publique européenne
June 2026 – number 112 – 13th year

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,

As we approach well-deserved holidays, and with our suitcases almost packed, we'd like to focus on a timely topic: freedom of expression for officials and civil servants of the European Union.

In case law, our attention was drawn to a ruling by the General Court of the European Union regarding the conditions for granting a relocation allowance and the rules for recovering overpayments.

Finally, our "Belgian Law" section will provide an update on the end of the RENOLUTION grants and the announced introduction of new financing mechanisms for renovating homes in the Brussels-Capital Region.

You can help decide the topics for our upcoming issues! We look forward to receiving your suggestions at our email address: theofficial@daldewolf.com.

In the meantime, we wish you wonderful vacation and hope you enjoy reading this issue.

The DALDEWOLF team

Focus – Freedom of expression for agents and civil servants of the Union: a right, not immunity

1. Introduction

As European citizens, agents and civil servants of the Union fully enjoy the right to expression. This right exercise also applies in the professional context, and not solely in the private sphere. However, this right is not absolute: it is balanced against the duties of loyalty, impartiality, discretion, and confidentiality that define the professional relationship. The real question, therefore, almost never is, "Can I" but rather "How, where, and under what conditions?" This is where the crux of the matter lies, and it inherently calls for a case-by-case assessment.

2. **The Legal framework**

The freedom of expression of public officials is grounded in several sources: Article 10 of the ECHR (European Court of Human Rights), Article 11 of the Charter of Fundamental Rights, and, with regard to permissible restrictions, Article 52 of the Charter, which requires an interpretation consistent with the ECHR. As for the Statute, the relevant provisions are Articles 11, 11(a), 12, 12(b), 17, and 17(a).

From this framework, three cumulative conditions emerge for a restriction to freedom of expression : (i) a legal basis (the Staff regulations); (ii) a legitimate interest, the integrity of the public service, public trust, and neutrality); and (iii) proportionality (the least intrusive measure, assessed on a case-by-case basis). None of these conditions is presumed; they must be demonstrated on a case-by-case basis.

3. Publications and Public Statements: The Provisions of Article 17bis

The principle is set forth in Article 17(a) of the Staff regulations: an official has the right of expression, with due respect to the principles of loyalty and impartiality.

- **Professional matters or matters related to the EU**: A staff member who wishes to publish, alone or with others, a document relating to their work or to European affairs must first
- (...) notify the Appointing Authority (Article 17(a), § 2), by submitting the text and a summary via the Ethics module in Ariane for the civil servants and other agents of the Council and in Sysper for the civil servants and other agents of the Commission. Then, the AA has 30 working days to object if it demonstrates a risk of serious harm to the legitimate interests of the Union; in the absence of a response, the objection is deemed withdrawn.

Please note: this silence does not preclude the subsequent application of Article 12 (defamatory or abusive remarks) or Article 24 (request for assistance from a colleague); the author remains personally responsible for what he or she publishes. Blogs are subject to the same rules.

- **Topics unrelated to the activities of the Union**: freedom of expression applies fully, and no authorization is required — unless the writing becomes a regular activity (such as a column contract), in which case it falls under the external activity regime, which is subject to prior authorization.
- **Conferences and speeches** (including podcasts) in your field of work or on related topics: must be declared as an outside activity (Decision 61/15 of the Council and Decision C(2018) 4048 final of the Commission). Unpaid teaching activities are, however, subject to deemed authorization. If the content of a presentation is subsequently published, l prior notification to the AA under Article 17 (a), § 2 becomes necessary again.

4. Social media: no clear line between personal and professional life

According to the Council Social media guidelines for GSC staff, "*Personal use of social media must always be in line with the GSC's shared values*". The Commission's "Social Media" guidelines (2023), also indicates that "even when you use social media for personal purposes, you remain a member of the Commission's staff". Private life, therefore, does not have solely private implications: the duty of loyalty permeates the entire relationship with the Union.

Two fundamental principles:

- **The disclaimer** (“*strictly personal views*”) helps dispel ambiguity surrounding the institutional voice, but it is not a shield: substance, tone, and context always take precedence over form.
- **Structure + regularity = obligations**: an occasional post remains ordinary private use; a blog, a podcast, or a recurring channel on European topics may constitute a publication or an external activity (criteria: length, frequency, permanence, medium, audience) and trigger the procedures under Articles 12(b) and 17(a).

5. Examples: the line between criticism and denigration

Criticism of an EU policy is, as such, protected; officials are not required to align themselves with the institution's position (see Cases C-340/00 P and C-274/99 P). Denigration, however, is not protected.

Acceptable	At risk	Unacceptable
“*I disagree with the current regulatory approach to X; other models deserve to be studied*” - respectful tone, proper procedure followed.	Commenting, on a personal blog, on investigations related to one’s field of work (see Case T-608/18, §§ 57–65).	Accusing, without evidence and in an aggressive manner, an institution of bad faith, corruption, or incompetence → risk of serious damage to trust.
An article summarizing a public speech whose summary has already been approved (see Case T-82/99, § 68).	Launching repeated personalized public attacks against superiors during an internal conflict.	Alleging a *modus operandi* of institutions that allows superiors to “harass” certain subordinates (see Case T-585/16, § 58).

Two aggravating factors warrant particular attention: professional proximity (the closer the content is to your job duties, the stricter the standard of review, see Case T-608/18, § 52) and rank (“*the higher the rank, the greater the duty of discretion*” see Case T-108/24). Finally, anonymity provides only illusory protection: tone, ambiguity and context take precedence, and it remains possible to identify the author (see Case T-108/24).

6. The procedural reflex: inform, and when in doubt, report

The vast majority of disciplinary issues do not concern the opinion expressed, but rather procedural irregularities, breaches of confidentiality, or damaged trust. The proper reflex is therefore procedural before it is substantive:

1. **Inform the appointing authority in advance** of any publication related to work or to the EU (Art. 17(a), § 2, via Ariane or Sysper).
2. **Report in case of doubt**: it is always possible to report an activity; the Institution’s goal is risk assessment, not censorship.
3. **Respect confidentiality** (Art. 17): no non-public information, no images of documents, screens, or facilities taken on the premises; the intention is irrelevant; only the objective risk matters.
4. **Add a disclaimer** regarding European topics, without relying on it as a guarantee.
5. **Prioritize internal channels** before making any public criticism; the judge expects these channels to have been exhausted and will assess the method and proportionality.

A simple test before publishing: “*Would I be comfortable explaining this during a disciplinary investigation ?*” And the golden rule: freedom of expression protects opinions, not circumvented procedures, not breaches of confidentiality, not compromised trust.

Conclusion

EU law protects critical voices, including within the European civil service; it does not cover reckless behavior. Because each situation hinges on the interplay of the subject, the audience, and professional proximity, there is no automatic rule: the assessment is, and will remain, case-by-case.

For the agent and officials, safety boils down to two words: moderation and procedure. Because it is when it is exercised responsibly that the freedom of expression is strongest.

Case-law - Recovery of undue payment and resettlement allowance: actual residence at the heart of the assessment (judgment of 3 June 2026, GW v Commission, T-662/24, EU:T:2026:369)

In line with the previous Newsletter The Official (No. 109), which focused on the recovery of sums unduly paid by EU institutions, we will now analyse a recent judgment of the EU General Court that further clarifies the issues at stake.

Delivered on 3 June 2026, this judgment clarifies the impact of a national refusal to issue a residence certificate on the granting and recovery of the resettlement allowance.

Facts

The applicant is a retired official of Swedish and German nationality, who retired on 1 September 2019 after having lived and worked in Belgium for almost twenty years.

Before retiring, the applicant had informed the PMO (the Commission's Paymaster Office) of his intention to resettle permanently in Sweden, his country of origin. However, he had also informed the administration that he would occasionally return to Belgium to visit his wife, who was also an official and was still in service at the time of his retirement.

On the basis of the explanations and evidence submitted by the applicant — including an application for registration in the Swedish population register, utility bills and home insurance — the Commission had granted him the resettlement allowance under Article 6 of Annex VII to the Staff Regulations, as well as the Swedish weighting factor applicable to his pension under Article 20(3) of Annex XIII to the Staff Regulations. By way of reminder, the resettlement allowance covers the costs associated with transferring one's principal residence after the definitive termination of service. In the version applicable until 30 April 2004, the Staff Regulations also provided that the pension would be subject to the weighting factor set for the country in which the pensioner proved that he or she had established residence.

However, the Swedish authorities refused to enter him in the population register, considering that he had not established his actual residence in Sweden. That refusal was based in particular on his occasional stays in Belgium with his wife. The refusal, which the applicant challenged, was subsequently upheld by the Swedish administrative courts.

Although the applicant kept the PMO and the Commission informed of his difficulties in Sweden in obtaining the residence certificate, the administration continued to pay him the resettlement allowance and the weighting factor for several years, from September 2019 to March 2021.

Following the national decisions and the applicant's return to Belgium — due to his health problems, the Covid-19 crisis and the Swedish authorities continued refusal to enter him in the population register — the Commission considered that he had not established his principal residence in Sweden. It therefore found that he did not meet the conditions for entitlement to the resettlement allowance and ordered recovery of the sums unduly paid, on the basis of Article 85 of the Staff Regulations.

The applicant challenged those decisions by lodging a complaint under Article 90(2) of the Staff Regulations, followed by an application for annulment before the General Court.

Pleas in law

The applicant raised several pleas in law seeking annulment of the decisions refusing him the resettlement allowance and the weighting factor for the period during which he claimed to have resided in Sweden, from September 2019 to February 2021.

Given the number of pleas raised, we will only focus on three of them: manifest error of assessment and infringement of Article 6 of Annex

VII and Article 20(3) of Annex XIII to the EU Staff Regulations (hereinafter "SR") (**1**), breach of the principle of autonomous interpretation of EU law (**2**), and infringement of Article 85 of the SR (**3**).

1. On the manifest error of assessment and infringement of the legal provisions relating to residence

The applicant argued that the Commission had made a manifest error of assessment and breached the rules governing the resettlement allowance and the weighting factor by, first, giving excessive weight to the Swedish decisions refusing to deliver the residence certificate; second, failing to take sufficient account of the evidence submitted by the applicant to establish his settlement in Sweden (bills, taxes, bank account, medical care, vehicle, etc.); and, finally, inferring from the mere fact that his wife was present in Belgium that he did not reside in Sweden.

The General Court nevertheless rejected those pleas, holding that the evidence in the file did not establish the applicant's actual residence in Sweden (paragraph 106).

The Court recalled that residence, an autonomous concept of EU law, refers to the permanent or habitual centre of the person's interests, established with an intention of stability. It was also for the applicant to demonstrate his effective resettlement with his family. The Court further stated that ownership of house property, including in the country of origin, is not sufficient to establish permanent or habitual residence, or an intention to settle there on a lasting basis (paragraphs 84-86 and 98).

Although the Court recalled that, according to settled case law, registration in a national register is not decisive for establishing actual residence (paragraph 90), it nevertheless appears to have considered that, in the circumstances of the case, the absence of a residence certificate was a relevant factor in assessing whether the condition of "effective resettlement of residence" was satisfied and, accordingly, the applicant's entitlement to the allowance (paragraphs 91–93).

The General Court also held that the evidence submitted by the applicant did not demonstrate that the main centre of his interests had been transferred to Sweden. At most, it showed that he owned a property there and had stayed there for significant periods, without ruling out dual residence: his principal residence in Belgium and a secondary residence in Sweden (paragraph 103). In that regard, the Court noted that neither Article 6 of Annex VII nor Article 20 of Annex XIII to the SR provides for the grant of the resettlement allowance or the weighting factor in cases of dual residence (paragraph 104).

Lastly, the General Court also rejected the argument that the applicant's wife's continued residence in Belgium after his own retirement had no bearing on the contested decisions. According to the Court, that circumstance remained relevant, even though his wife only retired in May 2023, after the period at issue during which the applicant claimed to have resided in Sweden, from September 2019 to February 2021. The Court also found that the main family home was located in Belgium. Those factors confirmed that the habitual centre of the applicant's interests had remained in Belgium (paragraphs 108–113).

2. On the breach of the principle of autonomous interpretation of the EU law

The applicant argued that the Commission had attached excessive importance to the Swedish decisions refusing to deliver him a residence certificate. According to him, by basing its own decisions refusing the resettlement allowance and the weighting factor on the national interpretation of the concept of residence, the Commission had breached the principle of autonomous interpretation of EU law.

The Court nevertheless held that the Commission had not breached that principle, since it had not merely reproduced the assessment of the Swedish authorities. According to the Court, the Commission had applied the autonomous concept of residence under the SR, examined the evidence submitted by the applicant and taken the Swedish decisions into account as relevant factual elements. The Court also found that the applicant had not demonstrated that that interpretation was incorrect or differed from the one adopted under Swedish law (paragraphs 121–123).

3. On the breach of Article 85 of the SR

The applicant argued that the conditions for recovery of undue payments were not met. He submitted that he had been unaware of the irregular nature of the payments and that the irregularity was not obvious. He also pointed out that the PMO had raised no objection when he had indicated his intention to return occasionally to Belgium to stay with his wife, and that internal divergences within the administration confirmed that the error was not manifest.

The General Court nevertheless held that the conditions laid down in Article 85 of the SR were met, thereby allowing the Commission to recover the sums unduly paid. Although the Court accepted that the Commission could not establish that the applicant had actual knowledge of the irregular nature of the payments, it nevertheless found that the irregularity was sufficiently obvious. The grant of the benefits was conditional on the production of a residence certificate; the applicant appeared to be aware of the consequences of the Swedish decisions for his entitlement to the resettlement allowance; and, given his 25-year career at the Commission, he should have known that the absence of such a certificate rendered the payments irregular (paragraphs 138–144).
In light of those elements, the Court dismissed the applicant's application for annulment.

Conclusion

This case law recalls that residence is an autonomous concept of EU law, distinct from the classifications adopted under national law. The General Court nevertheless confirms that the administration may take into account, as relevant factual evidence, national decisions refusing to issue a residence certificate in order to assess whether the person concerned has effectively established his or her residence, without breaching the principle of autonomous interpretation of EU law.

Lastly, this case law confirms the strictness of the recovery mechanism for undue payments provided for in Article 85 of the SR, even where the person concerned informed the administration from the outset, openly and transparently, of his intention to reside in Sweden after retirement while maintaining occasional ties with Belgium. It also shows that the situation of other members of the household, including after the allegedly irregular payments were made, may be taken into account when assessing entitlement to the resettlement allowance.

Belgian Law – Renovating your home in Brussels: the end of the RENOLUTION grants and a shift towards interest-free loans?

Many civil servants and European Union staff own or rent their homes in one of the nineteen municipalities of the Brussels-Capital Region and are considering, sooner or later, carrying out renovation or energy-efficiency improvement works. Until recently, the Region supported them mainly through the RENOLUTION grants. In 2026, a major change of direction is underway: the new regional government has suspended the general grant scheme and intends to replace it with loans at preferential rates, or even at zero interest for certain households. Here is an overview of the framework, the current funding mechanism and the announced reform.

RENOLUTION: the end of the one-stop shop for renovation in Brussels

Since 1 January 2022, the Brussels-Capital Region has been implementing the RENOLUTION strategy, designed to encourage the renovation, insulation and improved energy performance of Brussels' buildings.

This strategy, led in particular by Bruxelles Environnement and urban.brussels, has relied notably on two main financial instruments: the RENOLUTION grants, consisting of non-repayable subsidies awarded after the work has been completed, and the ECORENO loan, a preferential-rate loan intended to finance this work.

The grants were tiered according to three household income categories: the lower the income, the higher the subsidy rate, up to 70 per cent of the cost of the works for the lowest category, with an additional top-up for properties located in areas designated for enhanced housing and renovation development (EDRLR).

Whilst the RENOLUTION strategy remains in force, RENOLUTION grants are currently suspended for new applications relating to works where the final invoice is dated 2025 or 2026, and therefore for urban renovation projects commenced after 1 January 2025 or for individuals who have not submitted an application before that date. Meanwhile, the ECORENO loan remains the Region's main operational financial instrument for supporting renovation projects.

The regional authorities state that no government decision has yet been taken regarding a possible new aid scheme.

Funding: from the Brussels Green Loan to the ECORENO loan

The Region historically offered the « Brussels Green Loan ». Since 1st August 2022, this has been replaced by the ECORENO loan, which has become the RENOLUTION's go-to financing tool. Although it had been suspended, the ECORENO loan has made a comeback and, since 1 January 2026, applications for ECORENO loans have reopened.

This is good news for the people of Brussels!

Depending on the assessment of the application, the ECORENO loan can take the form of a consumer loan or a mortgage. Let's take a closer look at these two options.

<u>The ECORENO mortgage loan</u>

The ECORENO mortgage loan is intended for prospective buyers and owner-occupiers who wish to finance renovation work, particularly work aimed at improving the energy efficiency, health and safety, or accessibility of their home. The amount that can be borrowed is determined based on the borrower's repayment capacity.

However, it may not exceed 120 per cent of the property's value, assessed – where applicable – after the works have been completed on the basis of an valuation. Where a borrower already has a mortgage with another bank, more restrictive eligibility criteria may apply.

The maximum term of the loan is thirty years from the start of capital repayment. Barring exceptions, the loan must be repaid in full before the youngest borrower reaches the age of 70. It is also possible to take over an existing outstanding balance, provided that this is at least 3,600 euros.

The minimum monthly repayment is set at 25 euros. The amount then varies depending on the principal borrowed, the interest rate and the term of the loan. The funds may be paid directly to the borrower or to the contractors carrying out the work, upon presentation of invoices.

The granting of the loan requires the creation of a mortgage, an assignment of claims and, where applicable, any other security deemed necessary by the Housing Fund. Fire insurance is also required. Unlike consumer credit, this type of financing involves costs, notably notary fees relating to the credit agreement and the mortgage registration, as well as application and valuation fees. A valuation of the property is always carried out before the loan is granted.

<u>The ECORENO consumer loan</u>

The ECORENO consumer loan is a more flexible solution, aimed in particular at tenants (subject to certain conditions), prospective buyers and owner-occupiers who wish to finance renovation work without providing a mortgage as security. The loan amount ranges from 1,500 euros to 25,000 euros. It depends on the applicant's financial capacity, but may not exceed the total cost of the works.

The maximum repayment term is ten years. As with a mortgage, the loan must, in principle, be repaid in full before the youngest borrower reaches the age of 70. It is not possible to take over an existing outstanding balance. However, several ECORENO consumer loans may be taken out, subject to a limit of a total outstanding balance of 25,000 euros.

The minimum monthly repayment is also set at 25 euros. The funds are paid directly to the' borrower upon presentation of invoices for the work. The guarantees required are more limited: an assignment of receivables, fire insurance and, if the Fund deems it necessary, other forms of security appropriate to the borrower's circumstances. No application, valuation or notary fees are payable for this type of loan. Furthermore, no property valuation is required.

The turning point of 2026: suspension of grants, shift towards zero-interest loans

As mentioned, the major shift this year stems from a policy reorientation announced by the Brussels Secretary of State for the Environment and Climate, Ans Persoons, in an interview with the daily newspaper Le Soir (March 2026), which was subsequently widely reported: the generalised grant scheme is being suspended and is set to be replaced by loans on favourable terms, or even at zero interest for certain households.

The argument of the Region is twofold. Firstly, from a budgetary perspective: the budget for the environment and climate portfolio would be reduced from 219 to 202 millioneuros. Secondly, from a social perspective: although the scheme has been a real success, it is said to have primarily benefited affluent households: around a quarter of the grants are estimated to have gone to the richest 5 to 7 per cent of households. The Region therefore intends to reserve its support for those who need it most. In practical terms, this means introducing targeted loans that are more favourable to vulnerable households and the lower middle class, with 0 per cent interest options over twenty to twenty-five years, building on the ECORENO scheme.

At this stage, the scheme has not yet been fully finalised and its regulatory details remain to be confirmed: the current legal framework must be checked via official channels (*renolution.brussels*, *environnement.brussels*) before any decision is taken.