



**Maroš ŠEFČOVIČ**  
*Vice-President of the European Commission*  
*Co-Chair of the EU-UK Joint Committee*

*Brussels, 28 May 2020*  
*Ares (2020) 3205574*

*Dear Chancellor of the Duchy of Lancaster,*

*Thank you for your letter dated 14 May 2020 with regard to Citizens' rights in the Withdrawal Agreement.*

*On the 20<sup>th</sup> of May, our teams held a meeting of the Specialised Committee on citizens' rights. This was an opportunity to address the specific questions of the United Kingdom as regards the progress of implementation in the Member States and of the European Union as regards, among others, access to social benefits and the application process for vulnerable categories of EU citizens.*

*Protecting Union citizens residing in the United Kingdom before the end of the transition period and United Kingdom nationals established in the Union, during that same period, was a common priority of the United Kingdom and the Union during the negotiations of the Withdrawal Agreement.*

*Therefore, I am pleased to read that 3.1 million Union citizens have already been granted the residence status foreseen in Article 18(1) of the Withdrawal Agreement, which guarantees them that they will benefit definitively from the rights provided by Title II of Part Two of that Agreement.*

*The Rt Hon Michael Gove MP*  
*Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office*  
*House of Commons*  
*London SW1A 0AA*  
*United Kingdom*

*As you mentioned in your letter, such a result was made possible by the use of an innovative online process based on a digital application and by starting the process 27 months before the deadline of 30 June 2021, at a time when the Withdrawal Agreement was still being negotiated between the United Kingdom and the European Union. We still have some concerns however with regard to vulnerable citizens such as the elderly or IT illiterates that experience difficulties in applying digitally and that are therefore under a high risk of missing the deadline for application.*

*At the same time, there is a considerable number of Union citizens residing in the United Kingdom complaining about the refusal to access social benefits in these difficult times. I would like to ask you to take all possible measures to alleviate these difficulties.*

*On the EU side, Member States started the process to put in place and adopt the necessary national schemes and legislation once the Withdrawal Agreement was in force. Fourteen Member States have chosen a declaratory system that does not require the United Kingdom nationals to apply for a new residence status as a condition for legal residence. No further measures are needed to ensure that these United Kingdom nationals may benefit from the rights conferred by Title II of the Withdrawal Agreement, provided that its conditions are satisfied. For these Member States, the Commission will ensure that the residence document foreseen in Article 18(4) of the Withdrawal Agreement is available as soon as possible to United Kingdom citizens that request it. This residence document will be a physical document and all Member States will use the same format. We believe that a physical document is a key issue for many citizens, reassuring them that their rights are well established and protected for their entire lifetime.*

*As is the case of the United Kingdom, thirteen Member States have chosen a constitutive system, which requires United Kingdom nationals to apply for a new residence status before the deadline established in the Withdrawal Agreement (not less than 6 months after the end of the transition period). These Member States plan to use a classical administrative procedure that might require face-to-face meetings with the administration. While such procedures are necessarily slower than fully digitalised systems, they have the advantage of being accessible to all citizens irrespective of their technological skills or the complexity of their situation.*

*The Withdrawal Agreement allows for the possibility of applications for the new residence status already during the transition period, without making it mandatory (Article 19). We are actively encouraging the relevant Member States to use this possibility in order to give United Kingdom nationals certainty about their future status as soon as possible.*

*I note your concern about the deadline, especially in these difficult times when the COVID-19 crisis impacts the administrative capacities both in the United Kingdom and in the Union. Allow me to point out the significant difference in numbers of requests to be handled in the Member States, which have opted for the constitutive system, compared to the number of EU citizens that need to be registered in the United Kingdom.*

*The Withdrawal Agreement contains a number of measures, which protect the citizens of the other party during the application process. During the transition period, the United Kingdom nationals continue to benefit from all the Single Market freedoms, including the free movement of persons. After this period and until the end of the period in which these citizens may apply for their new status, they are protected by the Withdrawal Agreement (Article 18(2)).*

*They are also protected once they have applied for the new status, until the definitive decision (Article 18(3)) is taken. Finally, United Kingdom nationals are also entitled to receive a certificate of application for their residence status as soon as they have made their application.*

*Your letter also emphasises the efforts made by the United Kingdom to communicate with Union citizens present in the United Kingdom. We welcome this communication effort, which is complementary to the information provided by the Union delegation in London. As regards communication to United Kingdom nationals present in the Union, efforts have been made both at the EU and national levels so that United Kingdom nationals can find the necessary information related to their rights under the Withdrawal Agreement. The information available online is comprehensive and you will find below a few examples, also including concrete case studies:*

[https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights\\_en](https://ec.europa.eu/info/european-union-and-united-kingdom-forging-new-partnership/eu-uk-withdrawal-agreement/implementing-withdrawal-agreement/citizens-rights_en)

[https://ec.europa.eu/commission/sites/beta-political/files/2018-11-26\\_qa\\_citizens\\_rights\\_en\\_0.pdf](https://ec.europa.eu/commission/sites/beta-political/files/2018-11-26_qa_citizens_rights_en_0.pdf)

[https://europa.eu/european-union/contact/europe-direct-answering-your-questions-about-eu\\_en](https://europa.eu/european-union/contact/europe-direct-answering-your-questions-about-eu_en)

*Member States have all launched or will soon launch dedicated information campaigns addressed to United Kingdom nationals. They have also created dedicated websites with relevant information. We would be happy to provide you and your teams with further information in this regard. We would also be grateful if you could make us aware in case there are particular concerns with regard to specific Member States, so that we can follow this up accordingly.*

*The Commission has also published a guidance note in all Union languages to assist Member States in the application of the Withdrawal Agreement. This guidance note should be helpful to streamline the registration processes for the Member States that have chosen a constitutive system, but also to avoid any misapplication of the Withdrawal Agreement.*

*The Commission will continue to follow carefully the situation in all Member States to ensure the correct application of the Withdrawal Agreement in all its dimensions. Together with Michel Barnier and his team, and the responsible Commission Services, we will also intensify our dialogue with Member States on this matter.*

*I look forward to our upcoming meeting of the Joint Committee on 12 June, as this will provide us with another important opportunity to exchange in a constructive way to find solutions to this and other essential issues.*

*Yours faithfully,*



*Vice-President Maroš Šefčovič*

*c.c.: Clara Martinez Alberola, Jeppe Tranholm-Mikkelsen, Paulina Dejmek-Hack,*

