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REPORT FROM THE COMMISSION
pursuant to Article 159(2) of the Withdrawal Agreement

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1. Introduction

In accordance with the EU-UK Withdrawal Agreement, the European Commission and the UK's Independent Monitoring Authority (IMA) shall, on an annual basis, inform the Specialised Committee on Citizens' Rights referred to in point (a) of Article 165(1) of the Withdrawal Agreement on the implementation and application of Part Two thereof in the Union and in the United Kingdom, respectively. The information provided shall, in particular, cover measures taken to implement or comply with Part Two and the number and nature of complaints received.

The first two reports of the Commission were adopted on 4 November 2022¹ and on 1 December 2023², respectively. They are available at [the Commission's website dedicated to citizens' rights part of the Withdrawal Agreement](#).

This report is the third Commission report under the above-mentioned obligation and covers the year 2023.

2. Overall assessment of the implementation of Part Two of the Withdrawal Agreement

The Commission remains fully committed to protecting citizens' rights in accordance with the obligations under the Withdrawal Agreement.

The EU commitment to protect citizens' rights remains key, as expressed by the EU co-chairs of the Specialised Committee on Citizens' Rights and of the Joint Committee - dedicated bodies established by the Withdrawal Agreement to supervise and facilitate the implementation and application of the Withdrawal Agreement and to seek ways of preventing problems.³

The joint commitment of the European Commission and the EU Member States to implement the Withdrawal Agreement correctly and fully is reflected in reality, with the implementation of the Agreement in EU Member States being satisfactory. Overall, for most UK beneficiaries the transition from EU law on free movement of EU citizens to the Withdrawal Agreement has been smooth.

The Commission considers that the implementation in EU Member States is now more mature. However, some issues of implementation remain, most of which are of a technical nature.

Identified concerns are promptly addressed by Member States, with guidance and assistance by the Commission. Overall, Member States take a flexible and pragmatic approach to solving problems encountered by UK beneficiaries. Following this constructive approach, there were fewer issues drawn to the Commission's attention in 2023 by the United Kingdom, external stakeholders, or individual UK beneficiaries compared to the previous year.

¹ Report from the Commission pursuant to Article 159(2) of the Withdrawal Agreement, C(2022)7851 final.

² Report from the Commission pursuant to Article 159(2) of the Withdrawal Agreement, C(2023)8412 final.

³ Joint statements from the Joint Committee and the Specialised Committee on Citizens' Rights are available at [the Commission's website dedicated to the governance of the Withdrawal Agreement](#).

The Commission continues to support Member States in their implementation efforts. Multiple teams within the Commission work together on monitoring, enforcement, and promotion of effective implementation of the Withdrawal Agreement. They coordinate a wide network across the Member States and engage bilaterally with Member States at expert level the moment an issue is identified to seek clarifications and assurances on issues identified. The focus on pragmatic resolution from the outset is bearing fruit as most issues are resolved before any formal enforcement measures are needed. To resolve identified issues, the Commission prioritises cases that are cross-cutting and systemic or affect bigger groups of beneficiaries.

3. Role of the European Commission

As the Withdrawal Agreement forms part of Union law, the Commission acts as its guardian in accordance with Article 17 of the Treaty on European Union.

Therefore, the Commission has the task of ensuring uniform and correct application of the Withdrawal Agreement throughout the Union under the control of the Court of Justice of the European Union. It gathers information to monitor EU Member States' compliance with the Withdrawal Agreement and enforces it.

In monitoring and enforcing the Withdrawal Agreement, the Commission relies on its usual independent role of guardian of EU law, complementing work of other institutions and stakeholders at local, regional, national and European level.

The Commission also promotes the effective implementation of the Withdrawal Agreement, where necessary by adopting legal acts implementing Part Two of the Withdrawal Agreement and providing guidance to harmonise the implementation at national level.

Despite the unique nature of the Withdrawal Agreement, the Commission has used much of the standard monitoring and enforcement toolkit it uses with respect to Union law that the Withdrawal Agreement has grandfathered, such as Union law on free movement of EU citizens or coordination of social security schemes.

The Commission's role is mirrored in the United Kingdom by the Independent Monitoring Authority, which is an internal watchdog within the United Kingdom established by the Withdrawal Agreement to have monitoring and enforcement powers similar to those the Commission has vis-à-vis EU Member States.

4. Measures taken to implement or comply with Part Two of the Withdrawal Agreement

This report covers measures taken at Union level as well as those taken by EU Member States.

a. Measures taken at Union level

i. Legal acts to implement Part Two of the Withdrawal Agreement

To further facilitate cross-border travel of Withdrawal Agreement beneficiaries, the EU legislative framework was adopted by amending the Schengen visa application form in order to have an explicit reference to Withdrawal Agreement beneficiaries.

This was done by Regulation (EU) 2023/2667⁴, which amended the relevant annex of the Visa Code. The formal amendment of the Schengen visa application form became applicable on 28 June 2024.

The Joint Committee adopted a decision to amend Part I of Annex I to the Withdrawal Agreement, by adding two decisions of the Administrative Commission for the Coordination of Social Security Systems, and by removing three decisions.⁵

ii. Promoting the effective implementation of Part Two of the Withdrawal Agreement

Working with Member States and the European Parliament

Close cooperation with Member States is vital to promote the effective implementation and application of the Withdrawal Agreement.

The Commission continued to work closely with the Council and in particular the Council's Working Party on the United Kingdom that assists Coreper and the Council in all matters pertaining to the relationship with the United Kingdom. Citizens' rights are regularly discussed at the meetings of the Working Party to ensure that the Withdrawal Agreement is correctly implemented.

To promote a uniform application of Part Two of the Withdrawal Agreement in EU Member States after the end of the transition period, the Commission has regularly provided guidance and legal advice to the Working Party.

In 2023, the Commission held two meetings of [the Expert Group on the right to free movement of persons \(Directive 2004/38/EC\)](#) dedicated to the implementation of the residence rights provisions of the Withdrawal Agreement.

In addition, throughout the reporting year the Commission provided guidance to the Expert Group on the following matters regarding Chapter One of Title II of Part Two:

⁴ Regulation (EU) 2023/2667 of the European Parliament and of the Council of 22 November 2023 amending Regulations (EC) No 767/2008, (EC) No 810/2009 and (EU) 2017/2226 of the European Parliament and of the Council, Council Regulations (EC) No 693/2003 and (EC) No 694/2003 and Convention implementing the Schengen Agreement, as regards the digitalisation of the visa procedure, OJ L, 2023/2667, 7.12.2023.

⁵ Decision No 3/2023 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 3 July 2023 amending Part I of Annex I to the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ L 184, 21.7.2023, p. 111–112.

- time given to UK nationals and their family members to leave the host State in case of negative decisions under Article 18 of the Withdrawal Agreement;
- diplomats' and consular agents' acquisition of a right of permanent residence under the EU Free Movement Directive (2004/38/EC)⁶ or the Withdrawal Agreement and the impact on privileges and immunities provided for in the Vienna Conventions;
- issuance of a residence document under the Withdrawal Agreement with permanent residence indication where the initially issued residence document under the Withdrawal Agreement continues to be valid;
- children and the challenges they may face in obtaining Withdrawal Agreement beneficiary status or a Withdrawal Agreement residence document;
- Withdrawal Agreement beneficiaries' and their joining family members' exemption from the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS);
- for joining family members, the need to fulfil the relevant family member definition, including dependency where relevant, set out in point (2) of Article 2 of the EU Free Movement Directive at the time they seek residence under the Withdrawal Agreement in order to join the Withdrawal Agreement beneficiary in the host State; and
- entry visas to be issued free of charge for joining family members if all conditions under the Withdrawal Agreement are fulfilled.

With respect to Chapters Two and Three of Title II of Part Two, the Commission continued in 2023 to provide guidance to Member States and beneficiaries of the Withdrawal Agreement to ensure a correct implementation of the Withdrawal Agreement.

Regarding Title III, the Withdrawal Agreement's rules on coordination of social security systems are designed to protect those who were in a cross-border situation involving both the United Kingdom and (at least) an EU Member State at the end of the transition period.

From the legal and administrative point of view, the Withdrawal Agreement provides for the continuation of the rules and practices pursuant to EU Regulations⁷ governing social security coordination applicable to the United Kingdom when it was still an EU Member State.

The Withdrawal Agreement is implemented by the Member States in the same way as EU Regulations, including a role for the Administrative Commission, a body in charge in particular with dealing with all administrative questions or questions of interpretation arising from the provisions of EU Regulations governing coordination of social security systems at the EU level.

⁶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77–123.

⁷ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, OJ L 166, 30.4.2004, p. 1–123 and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, OJ L 284, 30.10.2009, p. 1–42.

In 2023, the Commission continued to provide guidance to Member States and beneficiaries of the Withdrawal Agreement on the Withdrawal Agreement's rules on coordination of social security systems.

To further facilitate travel of Withdrawal Agreement beneficiaries and harmonise the application of the Withdrawal Agreement with regard to the Schengen acquis, the Commission updated relevant Annexes of the Practical Handbook for Border Guards (Schengen Handbook) to reflect Member States' notifications.

In particular, the Commission updated the following Annexes:

- Annex 22 (List of residence permits issued by Member States) to include the titles of documents that Withdrawal Agreement beneficiaries in host States with declaratory schemes may use to evidence their beneficiary status before holding a Withdrawal Agreement residence document; and
- Annex 43 (Specimen of documents that beneficiaries of the Withdrawal Agreements (EU-UK, IS/LI/NO-UK, CH-UK) may hold before being in possession of the new residence document issued either in accordance with Commission Implementing Decision (EU) 2022/1945 of 21 February 2020 or in accordance with the Withdrawal Agreements concluded by Iceland, Liechtenstein and Norway on the one hand and Switzerland on the other hand) containing the specimen of documents relevant for the application of the Withdrawal Agreement.

Throughout 2023, work on the revision of Visa Code Handbook continued in the Visa Committee. The revised Visa Code Handbook was adopted on 26 June 2024 and now includes a section explaining the handling of visa applications made under the Withdrawal Agreement.⁸

In December 2023, the Commission adopted revised [guidance on free movement](#)⁹ with the aim to help Member State authorities to correctly apply EU free movement rules.

The previous version of the guidance from 2009 was updated notably to reflect the evolution in the case-law of the European Court of Justice. The new guidance provides legal and practical interpretation and examples of key issues and provisions of free movement law, many of which are also relevant for Part Two of the Withdrawal Agreement.

The Commission also continued to report regularly to the European Parliament, in particular to the [UK Contact Group](#) and the Monitoring Group on the implementation of the Agreement on the withdrawal of the UK from the EU (established by the Committee on Constitutional Affairs).

Information and awareness raising

In 2023, guidance documents continued to be available on [a website](#) that provides key information about national residence schemes for each EU Member State.

⁸ Annex to the Commission Implementing Decision amending Commission Decision C(2010) 1620 final as regards the replacement of the Handbook for the processing of visa applications and the modification of issued visas (Visa Code Handbook I), C(2024) 4319 final, available at https://home-affairs.ec.europa.eu/document/download/1d79f44d-49ba-4847-951e-129f924b1051_en.

⁹ Commission Notice – Guidance on the right of free movement of EU citizens and their families, C/2023/8500, OJ C, C/2023/1392, 22.12.2023.

Throughout 2023, the Commission continued working with its UK counterparts and other stakeholders to gather feedback about existing guidance documents and future needs. This exercise was carried out before early autumn 2024.

Working with external stakeholders

The Commission also engaged with various external stakeholders representing EU citizens living in the United Kingdom and UK nationals living in the EU and academics to get a better picture of lived experience of the Withdrawal Agreement on the ground and for external stakeholders and their networks to disseminate wider information about the Withdrawal Agreement and its interpretation.

iii. Monitoring of implementation of Part Two of the Withdrawal Agreement

The monitoring of implementation of Part Two of the Withdrawal Agreement comprised both proactive and reactive elements.

In line with its standard operating practice, the Commission continued proactively to review national laws, regulations and administrative provisions brought into force to implement the Withdrawal Agreement.

Information about lived experience has also been provided by civil society stakeholders representing UK beneficiaries living in EU Member States. Such engagement has helped the Commission to better understand the impact of the Withdrawal Agreement on the ground and identify emerging issues. The Commission worked together with external stakeholders to provide clarifications on the interpretation of the Withdrawal Agreement.

The cooperation with representative stakeholder networks continued to be useful in order to identify concerns. The Commission also continued to receive complaints in 2023. Section 5 covers this in more detail.

Some of the bilateral and horizontal exchanges were based on information provided by the United Kingdom (including in the Specialised Committee on Citizens' Rights and the Joint Committee). Other exchanges were based on Member States' questions or the Commission's own investigations.

Where issues were identified, they were discussed informally with the Member States concerned to seek early resolution ensuring that national rules were quickly brought in line with the Withdrawal Agreement and that any potential impact on the rights under the Withdrawal Agreement was kept to a minimum.

Horizontal monitoring of all Member States

In 2023, the Commission carried out a comprehensive review and contacted all Member States to gather information on the following areas:

- records on the distinction between primary right holders and family members who derive the right from a primary right holder in Member States' databases;

- issuance of a residence document under the Withdrawal Agreement with permanent residence indication where the initially issued residence document under the Withdrawal Agreement continues to be valid;
- diplomats' and consular agents' acquisition of a right of permanent residence under Directive 2004/38/EC or the Withdrawal Agreement and the impact on privileges and immunities provided for in the Vienna Conventions;
- processes for joining family members and fraudulent applications;
- handling of late applications in constitutive schemes;
- renewal/extension of the residence document under the Withdrawal Agreement and proving rights in the absence of a valid residence document under the Withdrawal Agreement;
- time given to UK nationals and their family members to leave the host State in case of negative decisions under Article 18 of the Withdrawal Agreement; and
- children falling under the Withdrawal Agreement.

The Commission followed up with Member States, where relevant.

In 2023, the Commission analysed the information received by Member States and continued to monitor the implementation of the Withdrawal Agreement in Member States regarding:

- application for Withdrawal Agreement beneficiary status;
- difference in treatment of certain groups of United Kingdom nationals;
- family members falling under Article 9(a)(ii) of the Withdrawal Agreement who were not covered by implementing measures;
- multiple statuses;
- legal effects of certificate of application and its format; and
- temporary documents issued under the Withdrawal Agreement in relation to Withdrawal Agreement beneficiaries' and their joining family members' exemption from the Entry/Exit System (EES) and the European Travel Information and Authorisation System (ETIAS).

Bilateral monitoring of implementation in individual Member States

In 2023, the Commission had bilateral exchanges with Member States concerned to acquire more information on:

- status of children and documents issued to children;
- multiple statuses;
- falling under the Withdrawal Agreement based on residence under Article 6 of the EU Free Movement Directive;
- information provided online;
- late applications;
- requirements for acquiring the right of permanent residence;
- dependent children above 21 years of age;
- access to property; and
- rules for changing a name on a residence document issued under the Withdrawal Agreement.

iv. Enforcement of Part Two of the Withdrawal Agreement

Internal dimension

Overall, the Commission considers that EU Member States have implemented Part Two of the Withdrawal Agreement in a satisfactory manner.

In addition to horizontal measures seeking to improve the implementation of the Withdrawal Agreement described in the previous part, the Commission in 2023 bilaterally raised the issue of implementation and application of the citizens' right part of the Withdrawal Agreement with several Member States.

The Commission's experience with these bilateral contacts is positive. Bilateral contacts helped to resolve most identified issues or clarified the matters raised by the Commission.

This constructive and result-oriented approach meant that the Commission did not have to initiate any formal procedure under Article 258 of the Treaty on the Functioning of the European Union or even to resort to litigation before the Court of Justice of the European Union in 2023.

A. Comprehensive sickness insurance requirement

Throughout 2023, the Commission had several written exchanges and a meeting in April with one Member State regarding the application of the comprehensive sickness insurance requirement of Article 7(1)(b) of Directive 2004/38/EC.

The exchanges continued into 2024, including a meeting in June that year.

B. Procedural safeguards and the principle of proportionality

Throughout 2023, the Commission had several written exchanges and a meeting in May with one Member State regarding the application of procedural safeguards Chapter VI of Directive 2004/38/EC and the principle of proportionality in the context of a refusal of an application under Article 18 of the Withdrawal Agreement and the related expulsion decision.

The Member State provided the Commission with clarifications on the individual case, the relevant legal framework and applicable rules.

No issues were identified in the Member State's implementation of the Withdrawal Agreement in relation to these matters.

C. Late applications and refusals made on procedural grounds

Throughout 2023, the Commission had several written exchanges and a meeting in February with one Member State regarding their late application policy, refusals made on procedural grounds and awareness-raising campaigns related to the application deadline.

The issue was successfully resolved by the Member State's decision to re-open the application deadline under Article 18(1) of the Withdrawal Agreement. The application deadline was set to 31 December 2023.

D. Permanent and non-permanent right of residence

In 2022, the Commission conducted a review of the nature of the non-permanent right of residence and the switch from a non-permanent right of residence to the right of permanent residence regarding Member States with a constitutive residence scheme.

One Member State was considered to be in breach of the Withdrawal Agreement, as it provided for the expiry of the right of non-permanent residence and required a second constitutive application for permanent residence.

In 2023, the Commission had several written exchanges with one Member State. The Member State agreed to change its approach and it published a statement to the effect that the non-permanent right of residence of a Withdrawal Agreement beneficiary cannot expire and is thus not lost upon expiry of the residence document and that the right of permanent residence is acquired automatically upon completion of five years of continuous legal residence.

The Member State also committed to adopt legislative amendments. Initially, those legislative amendments were foreseen for the second half of 2023. The Member State now envisages to adapt its legislation in the second half of 2024.

The Commission continues to closely monitor the legislative process in that Member State.

E. Permanent and non-permanent right of residence – application forms

The Commission's review, mentioned in the above point, also identified two Member States whose application forms to be used to acquire a residence document evidencing the right of permanent residence under the Withdrawal Agreement may be improved.

Following the Commission's intervention, both Member States adapted the terminology in their application forms for a Withdrawal Agreement residence document with a permanent residence indication in order to exclude the misinterpretation that the application would be of a constitutive nature.

F. Issuing Withdrawal Agreement residence documents to UK nationals and family members

This issue was covered in point e) of Section 3.iv of the previous annual report.

Throughout 2023, the Commission had written exchanges, including two administrative letters in January and March 2023, and several meetings with one Member State on this matter that has been the subject of continuous exchanges between the Commission and the Member State since December 2021.

The exchanges in 2023 focussed in particular on the number of residence documents issued to UK nationals and their family members and the availability of appointments for their issuing. The Commission continues to closely monitor the process of issuing the Withdrawal Agreement residence document in that Member State.

G. Evidence of durable partnership

This issue was covered in point k) of Section 3.iv of the previous annual report.

Throughout 2023, the Commission had written exchanges, including one administrative letter in March 2023, with one Member State with regard to the durable relationship as defined in Directive 2004/38/EC and the possibility to prove the relationship by any appropriate means, which is not limited to documents issued by a public authority.

The Commission continued to seek information from the Member State on the practical application of certain judgments delivered in 2020 and 2021 by the domestic courts and their uniform application by local authorities in the Member State.

H. Registration of marriage certificate

The Commission exchanged with one Member State regarding the requirement of registration of a marriage that took place before the end of the transition period but where the spouse of the UK national Withdrawal Agreement beneficiary did not hold a residence card issued under Directive 2004/38/EC in order for the spouse to be able to rely on the Withdrawal Agreement and obtain a Withdrawal Agreement residence document.

The Commission continues to exchange with the Member State and to monitor the implementation of the Withdrawal Agreement on this matter.

I. Cut-off date for late applications

The Commission had exchanges with one Member State regarding the existence of a cut-off date for the submission of late applications for Withdrawal Agreement beneficiary status in breach of Article 18(1)(d) of the Withdrawal Agreement.

Still in 2023, the Member State committed to removing the cut-off date and amended its legislation with effect as of 30 December 2023.

J. Multiple statuses

This issue was covered in point j) of Section 3.iv of the previous annual report.

The Commission continued its exchanges with one Member State regarding whether Withdrawal Agreement beneficiaries can hold multiple residence/immigration statuses at the same time and whether multiple documents are issued to a Withdrawal Agreement beneficiary holding multiple statuses.

The Commission continues to monitor the implementation of the Withdrawal Agreement on this issue.

External dimension

In 2023, the Commission did not participate in any pending cases before the courts and tribunals of the United Kingdom, in accordance with Article 162 of the Withdrawal Agreement, based on which the Commission may submit written observations in pending cases where the interpretation of the Withdrawal Agreement is concerned.

Intense work in the Joint Committee and the Specialised Committee on Citizens' Rights continued throughout 2023 regarding the implementation of [the UK High Court 2022](#)

[judgment](#) in the case brought by the IMA, in which the Commission participated under Article 162 of the Withdrawal Agreement.¹⁰

The [judgment](#) confirmed the Commission's interpretation concerning the question whether the United Kingdom's pre-settled status (corresponding to the notion of the non-permanent right of residence under the Withdrawal Agreement) can be lost if the EU citizens concerned do not apply for settled status (a status meant to correspond to the permanent right of residence) before their pre-settled statuses expire and whether the right of permanent residence is acquired automatically or can only be granted upon application.

No request to establish an arbitration panel under Title III of Part Six of the Withdrawal Agreement was made in the reporting period.

b. Measures taken at EU Member States level

The Commission sought the following information from the Member States:

- most relevant instruments in place to implement Part Two of the Withdrawal Agreement;
- most relevant instruments implementing Part Two of the Withdrawal Agreement that were adopted or amended in the last year;
- most relevant domestic jurisprudence from the last year; and
- basic statistical data that show how the Withdrawal Agreement has been applied.

Responses from Member States are included in a document annexed to this report of which the report takes note.

Additional statistical data on coordination of social security systems are available at [the Commission's website on network of experts on statistics](#).

5. Complaints

The Withdrawal Agreement is enforced in the same way as any other instrument of Union law, both by direct action taken by individuals who believe that the national authorities of an EU Member State have not respected the rights they enjoy under the Withdrawal Agreement and by action taken by the Commission.

Information acquired through individual complaints helped to complete information about the implementation of the Withdrawal Agreement and informed measures taken by the Commission.

a. Solutions at national level

The most effective approach for UK beneficiaries to enforce their rights directly is to seek redress at national level, given that public authorities and national courts have the main responsibility for the correct application of the Withdrawal Agreement and can directly resolve individual cases.

In addition to administrative redress procedures, UK beneficiaries can make an appeal and ask the relevant domestic court to examine their case. The court will examine the legality of

¹⁰ Judgement of the High Court of 21 December 2022 in case *The Independent Monitoring Authority for The Citizens' Rights Agreements vs Secretary of State for the Home Department*, CO/4193/2021.

the contested national decision (or that no decision was at all made) and whether the decision was correct and proportionate, by looking into the facts and circumstances on which the decision is based. If the court finds a problem with national law, it can, in many instances, apply the provisions of the Withdrawal Agreement directly. Only national courts have the power, where appropriate, to order national authorities to compensate UK beneficiaries for losses they have suffered due to a breach of the Withdrawal Agreement.

b. Solutions at EU level

UK beneficiaries under the Withdrawal Agreement have access to the same remedies as EU citizens have for potential breaches of EU law.

In addition to any action UK beneficiaries may be pursuing at national level, they can submit a petition to the European Parliament or write to the Commission to file a complaint about any measure (law, regulation or administrative action), the absence of a measure or a practice by an EU country that they think breaches the Withdrawal Agreement.

The Commission's complaints handling policy is based on [Communication on EU law: Better results through better application](#). The 2022 Communication [Enforcing EU law for a Europe that delivers](#) presents the tools that the Commission uses to ensure that EU law is properly applied in all cases to meet its main objective: that people and businesses benefit from the commonly agreed rules throughout the EU, as quickly as possible.

The Commission treats these complaints as any other complaints related to Union law. More information on how the Commission treats complaints is available [here](#). Complainants must use the standard [online complaint form](#) or download it from [the Commission's website](#), fill it in and submit by e-mail or by post.

The Commission can only take up the complaint if it is about a breach of the Withdrawal Agreement by authorities in an EU Member State. It cannot follow up matters that only involve private individuals or bodies, and that do not involve public authorities. UK beneficiaries who find it difficult to find out which provision of the Withdrawal Agreement they think has been breached and what they can do about it can address queries to [the Your Europe Advice service](#).

The Commission's action in response to a complaint is unlikely to directly resolve the complainant's personal situation as it is focused on ensuring that the laws of the EU country in question are brought fully in line with the Withdrawal Agreement and are correctly applied. In such cases, in order to directly resolve their personal situation, or be awarded compensation, complainants should take action in front of the national authorities in the Member State concerned.

In some cases, they can also submit their case to [SOLVIT](#), a network of centres based in national administrations that work together to resolve problems related to the incorrect application of Union law in a cross-border context via cooperation.

As the United Kingdom is no longer part of the SOLVIT network, SOLVIT cannot offer its assistance in matters that require cooperation or intervention of some parts of the United Kingdom administration.

However, SOLVIT centres may offer some assistance to UK beneficiaries if their problems have a cross-border dimension and can be potentially solved by the administration of an EU country without any involvement of or contact with the United Kingdom administration. For example, SOLVIT could help UK beneficiaries residing in an EU country and experiencing problems in a cross-border context with their residence rights or social security rights there. SOLVIT’s intervention is entirely dependent on the decision of each SOLVIT centre.

In 2023 SOLVIT recorded 79 United Kingdom related cases. These cases concerned problems of UK beneficiaries in exercising their Withdrawal Agreement rights in EU Member States, but also problems EU citizens experienced in EU Member States in relation to having exercised their single market rights in the United Kingdom.

Of these cases, SOLVIT had to reject almost 70 % (55 cases) as resolution would have required the intervention of the United Kingdom administration.

Out of 24 accepted cases that could be resolved without any intervention of the United Kingdom administration, 11 cases concerned Chapter 1 (*residence*), 1 case concerned Chapter 3 (*professional qualifications*), 7 cases concerned Title III (*Coordination of social security systems*) and 5 cases concerned other related issues, such as driving licences or taxation.

Of these cases accepted by SOLVIT, 17 cases were resolved.

In addition to the above, the Commission and the UK Government agreed on a grace period from 1 October 2021 until 31 May 2024, on the basis of which, the Commission ensured access to the European Professional Card’s (EPC) modules of the Internal Market Information System (IMI) for each UK authority involved in the processing of the remaining pending EPC applications.

c. Statistical aspects

In the reporting period, the Commission registered 29 complaints falling under Communication C(2016)8600.

The number and nature of complaints received is in Table 1. When a complaint covers multiple topics or subtopics it is counted for each topic or subtopic.

Table 1 – Complaints received in 2023

Area	Overall number	Topic	Number	Subtopic	Number
Chapter 1 of Title II	22	Rights related to residence, residence documents	15	Refusal	5
				Delays	1
				Handling of late applications	2
				Access to benefits	2
				Excessive requirements	1
				Upgrade to permanent residence	1
				Multiple statuses	1
				Awareness-raising campaigns	1
				Rights of children	1
		Travel and	8	Refusal to issue the visa to	5

		border crossing		family members	
				Restrictions to transit in a Member State	2
				Dedicated lanes at the border crossing	1
Chapter 2 of Title II	6	Equal treatment	1	Access to study financing	1
		Frontier workers	3	Refusals and entitlement	3
		Equal treatment	2	Access to a profession	2
Title III	3	Healthcare	3	EHIC, sickness benefits, healthcare	3

No complaint has been registered on Chapter 3 (*Professional qualification*) of Title II of Part Two in the reporting year.

Handling of complaints received by the Commission

By the end of June 2024, 26 complaints introduced in 2023 have already been closed.

Out of those complaints:

- 6 complaints were considered as founded but were not pursued further by the Commission;¹¹
- 3 complaints were considered as founded but were solved by other means (*change of regional legislation and change of interpretation by national authorities*); and
- 17 complaints were considered as unfounded, given that no violation of Union law was identified in the Commission's assessment.

3 complaints made in 2023 were under consideration by the Commission that is seeking to resolve them as soon as possible.

Your Europe Advice

In 2023, Your Europe Advice received inquiries from 1406 United Kingdom nationals.

Of 1040 eligible inquiries, 66 % concerned Chapter 1 of Title II (*residence*), 5 % concerned Chapter 2 of Title II (*workers and self-employed persons*), 0.5 % of inquiries cases concerned Chapter 3 (*professional qualifications*), 11 % of inquiries concerned Title III (*Coordination of social security systems*) and other inquiries concerned other issues, such as consumer rights or free movement of goods.

The top three issues concerning residence rights were linked to:

- rights of family members;
- residence application procedures; and
- visas and visa exemption.

The top three issues concerning workers and self-employed persons were linked to:

¹¹ Unless they raise a question of wider principle to be assessed in the general interest, such are complaints on individual cases of incorrect application of EU law where there are insufficient indications of a general practice, of a problem of compliance of national legislation with EU law or of a systemic failure to comply with EU law; and there are appropriate redress mechanisms at the national/EU level.

- access to employment;
- cross-border work and posting; and
- equal treatment in employment.

The top three issues concerning coordination of social security schemes were linked to:

- old age benefits;
- health care, sickness or maternity benefits; and
- country of insurance and general management of coordination of social security systems.