

## **Joint statement following the thirteenth meeting of the Specialised Committee on Citizens' Rights**

The 13<sup>th</sup> meeting of the Specialised Committee on Citizens' Rights was held on 4 December 2023 in London, co-chaired by officials from the UK Government and the European Commission. A number of representatives from EU Member States were also in attendance. The Committee was established by the Withdrawal Agreement to monitor the implementation and application of the Citizens' Rights part of the Agreement, which protects EU citizens in the UK and UK nationals in the EU, and their eligible family members.

The UK and the EU discussed the implementation and application of the Citizens' Rights part of the Withdrawal Agreement. The meeting also allowed both sides to take stock of outstanding issues, as well as progress made. Both parties agreed that the Specialised Committee should focus on the most serious implementation concerns which have not been possible to resolve at a technical level.

The UK raised concerns around equal treatment and the inability of UK nationals in several EU Member States to purchase property on an equal basis to EU nationals, welcoming recent steps taken by some Member States to resolve this issue and encouraging others to do the same. Whilst welcoming the usefulness of the European Commission's annual report, the UK suggested more consistent data be provided on the operation of the residency schemes in some Member States.

The UK highlighted their ongoing concern for those UK nationals who are unable to access their rights due to the fact that they cannot evidence their declaratory right of permanent residence due to challenges obtaining the right residency card. Family reunification was also discussed, with the lack of available guidance on free visas for joining family members arriving from outside the UK and how joining family members can evidence their status being primary concerns. The EU set out a number of positive steps being taken by Member States and the Commission to provide additional information for joining family members.

The EU discussed the implementation of the UK High Court's ruling on the upgrade from pre-settled status to settled status within the UK's EU Settlement Scheme and expressed ongoing concerns about the UK Government's current plans for implementing the judicial review. The EU nevertheless welcomed the reassurances received so far and the willingness of the UK's competent authorities to engage collaboratively to seek practical solutions. The two sides agreed that correct implementation is crucial for the beneficiaries of the Withdrawal Agreement, reiterating their determination to work jointly and constructively on these topics. All beneficiaries of the Withdrawal Agreement need to fully enjoy their rights through the implementation of the Agreement, including as regards their permanent right of residence.

The EU reiterated their concerns regarding EU citizens in the UK who received a refusal decision on their application between 27 June 2021 and 19 April 2022 but whose digital status did not accurately reflect this until 18 January 2023, due to the operation of the EU Settlement Scheme. The EU enquired about the UK's plans to communicate with EU citizens affected by recovery of costs of some services and benefits, requesting transparency as to the cause for the overpayment. The EU also raised the lack of legal clarity for EU citizens, who hold a new UK residence status, as to whether their rights are guaranteed by the Withdrawal Agreement or solely by domestic law, with the UK providing reassurance that within the scope of Part Two of the Withdrawal Agreement, they will continue to treat those who derive their EUSS status from domestic law equally.

The UK's Independent Monitoring Authority, established under Article 159 (1) of the Withdrawal Agreement, and the European Commission presented their respective Annual Reports for 2022, adopted in accordance with Article 159 (2) of the Withdrawal Agreement.

A part of the meeting was dedicated to engagement with external representatives from civil society organisations, representing EU citizens living in the UK and UK nationals living in the EU, who asked questions about the implementation and application of Part Two of the Withdrawal Agreement in the EU and the UK, in conformity with the rules of procedure of the Specialised Committee.

The UK and the EU reaffirmed their commitment to protecting citizens' rights in accordance with the obligations under the Withdrawal Agreement and agreed to meet again in Spring 2024.