Resolution on implementing and monitoring the provisions on citizens’ rights in the Withdrawal Agreement

2020/2505(RSP) - 15/01/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 610 votes to 29, with 68 abstentions a resolution on the implementation and monitoring the provisions on citizens' rights in the EU-UK Withdrawal Agreement.

Members recalled that there are currently around 3.2 million citizens from the remaining 27 Member States (EU-27) resident in the UK, and 1.2 million UK citizens resident in the EU-27. Those citizens took up residence in another Member State on the basis of rights they enjoy under EU law and on the understanding that they would continue to enjoy those rights throughout their lives.

Part two of the Withdrawal Agreement

The European Union and the United Kingdom have agreed, under part two of the Agreement, to take a comprehensive and reciprocal approach to protecting the rights of EU-27 citizens living in the United Kingdom and UK citizens living in the EU-27.

According to the provisions of the Withdrawal Agreement, (i) all EU-27 citizens legally residing in the UK and all UK citizens legally residing in an EU-27 Member State and their family members at the time of withdrawal will be protected, (ii) all social security rights under EU law will be maintained and citizens' rights will be guaranteed for life and (iii) related administrative procedures will be transparent, smooth and streamlined.

During the transition period ending on 31 December 2020, the Commission will be responsible for monitoring the implementation of part two of the Withdrawal Agreement, both in the UK and in the EU-27 Member States. The Commission is invited to allocate sufficient resources to investigate and redress any cases of non-respect of those rights, in particular cases of discrimination against EU-27 or UK citizens.

Implementing Part Two of the Withdrawal Agreement

Parliament stressed that its decision on consent to the Withdrawal Agreement shall take into account experience gained and assurances given in relation to the implementation of key provisions of the Withdrawal Agreement, especially as regards the UK’s EU Settlement Scheme.

Members noted that the high proportion of applicants to the EU Settlement Scheme who have only been accorded pre-settled status. In order to avoid this, the UK and EU-27 Member States were asked to opt for an administrative procedure of a declaratory nature, as allowed by the withdrawal agreement.

Parliament also expressed grave concern at the recent and conflicting announcements in relation to EU-27 citizens in the UK who fail to meet the deadline for applying to the EU Settlement Scheme of 30 June 2021. The UK Government is urged to be clear about what it considers as ‘reasonable grounds for the failure to respect the deadline’.

In addition, Members pointed out that greater certainty and a greater sense of security would be generated for EU-27 citizens in the UK if they were issued with a physical document as proof of their right to reside in the UK after the end of the transition period.

They are concerned at the limited number of EU Settlement Scheme ID scanning services, at the limited geographical spread of the assistance provided throughout the UK, and at the level of assistance to be provided to older and vulnerable citizens, including those who may have difficulty using digital applications.

Concerned about the proposed set-up of the UK's independent authority of the Withdrawal Agreement; Members expect the UK to ensure that the authority will be genuinely independent; recalls in that regard that the authority should be operational as of the first day following the end of the transition period.

The UK Government should also provide clarity on the issue of the applicability of the UK's EU Settlement Scheme in relation to EU-27 citizens in Northern Ireland who have not sought UK citizenship under the terms of the Good Friday Agreement. 1.8 million citizens born in Northern Ireland who, by virtue of the Good Friday Agreement, are entitled to Irish citizenship, and are thereby entitled to EU citizenship and to EU citizenship rights where they reside.

Parliament reiterated its commitment to monitoring closely how the EU-27 Member States implement Part Two of the Withdrawal Agreement concerning the rights of UK citizens living on their territory.

Citizens' rights under the future EU-UK relationship

Regretting that the UK has announced that the principle of the free movement of persons between the Union and the UK will no longer apply, Members stated that any agreement on the future relationship between the EU and the UK should include ambitious provisions concerning the movement of persons. These provisions are of particular importance to services and professional qualifications.

Parliament urged that future free movement rights across the whole EU for UK citizens covered by the Withdrawal Agreement be guaranteed, as well as a lifelong right for citizens covered by the Withdrawal Agreement to return to the UK or the EU. It called on the EU-27 Member States to ensure that voting rights in the local elections of the country of residence are provided for all citizens covered by the Withdrawal Agreement.