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Subject: Citizens' rights

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Remarks: The joint technical note attached expresses the detailed consensus of the UK and EU positions

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COMPARISON OF EU/UK POSITIONS ON CITIZENS' RIGHTS – December 2017

The working group completed a mapping of the alignment between the two parties' positions in respect of the Citizens' Rights part of the Withdrawal Agreement.

This joint technical note expresses the detailed consensus reached to date on the UK and EU positions.

#	TOPIC	DETAIL	EU POSITION	UK POSITION	ISSUES
1	Use of EU law concepts		EU law concepts used in Withdrawal Agreement interpreted in line with case law of the Court of Justice of the European Union by the specified date.	EU law concepts used in Withdrawal Agreement interpreted in line with case law of the Court of Justice of the European Union by the specified date.	
2	Personal scope	Specified date	The specified date is the time of the UK's withdrawal.	The specified date is the time of the UK's withdrawal.	
3a		Personal scope	EU citizens and UK nationals resident in accordance with Article 6(1), 7(1)(a) – (c) or (3), 12(3), 14, 16(1) and/or 17 of Directive 2004/38/EC.	EU citizens and UK nationals resident in accordance with Article 6(1), 7(1)(a) – (c) or (3), 12(3), 14, 16(1) and/or 17 of Directive 2004/38/EC.	
3b			EU citizens and UK nationals resident in accordance with Article 21 TFEU.	EU citizens and UK nationals resident in accordance with Article 21 TFEU.	
4		Frontier workers	Those who are working as a frontier worker on the specified date fall within the scope of the Withdrawal Agreement for as long as they retain the status of a frontier worker in the State of work. Such workers retain the rights they currently enjoy to enter and to work in the State of work. The rights they enjoy in their country of residence, including the right to work, are similarly protected.	Those who are working as a frontier worker on the specified date fall within the scope of the Withdrawal Agreement for as long as they retain the status of a frontier worker in the State of work. Such workers retain the rights they currently enjoy to enter and to work in the State of work. The rights they enjoy in their country of residence, including the right to work, are similarly protected.	
4a			A frontier worker, as defined in EU law, is a UK national or an EU citizen pursuing genuine and effective work as an employed or self-employed person in one or more States and who resides in	A frontier worker, as defined in EU law, is a UK national or an EU citizen pursuing genuine and effective work as an employed or self-employed person in one or more States and who resides in	

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		another State (<i>irrespective of whether the person also works in the State of residence</i>), unless or until they no longer retain the status of a worker in the State of work (<i>equivalent to that as defined in Directive 2004/38/EC</i>) or they cease to work across the frontier into the State of work in accordance with Articles 45 and 49 TFEU and Regulation (EU) No 492/2011.	another State (<i>irrespective of whether the person also works in the State of residence</i>), unless or until they no longer retain the status of a worker in the State of work (<i>equivalent to that as defined in Directive 2004/38/EC</i>) or they cease to work across the frontier into the State of work in accordance with Articles 45 and 49 TFEU and Regulation (EU) No 492/2011.	
5	Family members	Irrespective of their nationality, the following will be treated as family members of right holders:	Irrespective of their nationality, the following will be treated as family members of right holders:	
5a	a) those who are lawfully resident in the host State on the specified date	Family members as defined in Article 2 of Directive 2004/38/EC who are resident in accordance with Article 6(2), 7(1)(d), 7(2), 16(2) or 17(3) or (4) of Directive 2004/38/EC;	Family members as defined in Article 2 of Directive 2004/38/EC who are resident in accordance with Article 6(2), 7(1)(d), 7(2), 16(2) or 17(3) or (4) of Directive 2004/38/EC;	
5b		Other family members as defined under Article 3 of Directive 2004/38/EC who are resident in accordance with Article 6(2), 7(1)(d), 7(2), 16(2) or 17(3) or (4) of Directive 2004/38/EC.	Other family members as defined under Article 3 of Directive 2004/38/EC who are resident in accordance with Article 6(2), 7(1)(d), 7(2), 16(2) or 17(3) or (4) of Directive 2004/38/EC.	
5c		EU citizens who are lawfully resident in accordance with Article 21 TFEU.	EU citizens who are lawfully resident in accordance with Article 21 TFEU.	
5d	b) those who are related to the right holder on the specified date but reside outside the host State	All family members as referred to in Article 2 of Directive 2004/38/EC, provided they were related to the right holder on the specified date and they continue to be so related at the point they wish to join the right holder.	All family members as referred to in Article 2 of Directive 2004/38/EC, provided they were related to the right holder on the specified date and they continue to be so related at the point they wish to join the right holder.	
5e		The UK and EU27 will facilitate entry and residence of partners in a durable	The UK and EU27 will facilitate entry and residence of partners in a durable	

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		relationship (<i>Article 3(2)(b) of Directive 2004/38/EC</i>) after the specified date in accordance with national legislation if the partners did not reside in the host State on the specified date, the relationship existed and was durable on the specified date and continues to exist at the point they wish to join the right holder.	relationship (<i>Article 3(2)(b) of Directive 2004/38/EC</i>) after the specified date in accordance with national legislation if the partners did not reside in the host State on the specified date, the relationship existed and was durable on the specified date and continues to exist at the point they wish to join the right holder.	
5f	c) those who become related to the right holder after the specified date	Children born, or legally adopted, after the specified date, whether inside or outside the host State, where:	Children born, or legally adopted, after the specified date, whether inside or outside the host State, where:	
5f(i)		<ul style="list-style-type: none"> ○ the child is born to, or legally adopted by, parents who are both protected by the Withdrawal Agreement or where one parent is protected by the Withdrawal Agreement and the other is a national of the host State; or 	<ul style="list-style-type: none"> ○ the child is born to, or legally adopted by, parents who are both protected by the Withdrawal Agreement or where one parent is protected by the Withdrawal Agreement and the other is a national of the host State; or 	
5f(ii)		<ul style="list-style-type: none"> ○ the child is born to, or legally adopted by, a parent who is protected by the Withdrawal Agreement and who has sole or joint custody of the child under the applicable family law of a EU27 Member State or UK and without prejudging the normal operation of that law, in particular as regards the best interests of the child. 	<ul style="list-style-type: none"> ○ the child is born to, or legally adopted by, a parent who is protected by the Withdrawal Agreement and who has sole or joint custody of the child under the applicable family law of a EU27 Member State or UK and without prejudging the normal operation of that law, in particular as regards the best interests of the child. 	
5g		The right to be joined by other family members, not specified above, after the specified date will be subject to national law.	The right to be joined by other family members, not specified above, after the specified date will be subject to national law.	

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6		Change of status	Rights under the Withdrawal Agreement of EU/UK national family members are maintained irrespective of changes in status (<i>e.g. an EU citizen dependent child becoming a worker, student, self-sufficient person or self-employed person</i>).	Rights under the Withdrawal Agreement of EU/UK national family members are maintained irrespective of changes in status (<i>e.g. an EU citizen dependent child becoming a worker, student, self-sufficient person or self-employed person</i>).	
7		Retained right of residence	Family members with a retained right of residence who are lawfully resident in accordance with Article 12 and 13 of Directive 2004/38/EC on the specified date will fall within the scope of the Withdrawal Agreement.	Family members with a retained right of residence who are lawfully resident in accordance with Article 12 and 13 of Directive 2004/38/EC on the specified date will fall within the scope of the Withdrawal Agreement.	
8		Children and education	Rights of EU child to pursue education (based on judgments in cases C-200/02 <i>Chen</i> and C-480/08 <i>Teixeira</i>) protected for period of child's education.	Rights of EU child to pursue education (based on judgments in cases C-200/02 <i>Chen</i> and C-480/08 <i>Teixeira</i>) protected for period of child's education.	
9	Residence	Eligibility criteria	Permanent or temporary residence will be granted in accordance with the objective criteria established in the Withdrawal Agreement (i.e. no discretion, unless in favour of the applicant).	Permanent or temporary residence will be granted in accordance with the objective criteria established in the Withdrawal Agreement (i.e. no discretion, unless in favour of the applicant).	
10		Temporary residence	Temporary residence will be granted on the basis of less than 5 years' residence to those who fulfil the conditions of Article 6 and 7 of Directive 2004/38/EC – right to change status (<i>e.g. student to worker</i>) will be maintained.	Temporary residence will be granted on the basis of less than 5 years' residence to those who fulfil the conditions of Article 6 and 7 of Directive 2004/38/EC - right to change status (<i>e.g. student to worker</i>) will be maintained.	
11		Continuity of residence	Definition of continuity of residence as per Article 16 (3) and 21 of Directive 2004/38/EC (<i>i.e. permitted absence of 6 months in any 12 months or 12 months for an important reason e.g. childbirth</i>).	Definition of continuity of residence as per Article 16 (3) and 21 of Directive 2004/38/EC (<i>i.e. permitted absence of 6 months in any 12 months or 12 months for an important reason e.g. childbirth</i>).	

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12	Permanent residence	Conditions for acquiring permanent residence as per Article 16 of Directive 2004/38/EC (<i>5 years of continuous and lawful residence as a worker/self-employed person, student, self-sufficient person (Article 7(1)(b) of Directive 2004/38/EC), or family member thereof</i>), with periods of lawful residence prior to the specified date included in the calculation of the five year condition.	Conditions for acquiring permanent residence as per Article 16 of Directive 2004/38/EC (<i>5 years of continuous and lawful residence as a worker/self-employed person, student, self-sufficient person (Article 7(1)(b) of Directive 2004/38/EC), or family member thereof</i>), with periods of lawful residence prior to the specified date included in the calculation of the five year condition.	
13		Conditions for acquiring permanent residence as per Articles 17 and 18 of Directive 2004/38/EC (<i>e.g. retired people, permanent incapacity</i>).	Conditions for acquiring permanent residence as per Article 17 and 18 of Directive 2004/38/EC (<i>e.g. retired people, permanent incapacity</i>).	
14	Loss of permanent residence	<p>Loss of permanent residence status after absence for a period exceeding five consecutive years.</p> <p>States are not obliged, either under Article 16 or other provisions of Directive 2004/38/EC, to terminate permanent residence status whenever five years of absence are exceeded.</p>	<p>Loss of permanent residence/settled status after absence for a period exceeding five consecutive years.</p> <p>States are not obliged, either under Article 16 or other provisions of Directive 2004/38/EC, to terminate permanent residence status whenever five years of absence are exceeded.</p>	
15	Criminality committed by the specified date	Any restrictions of rights on grounds of public policy or security related to conduct prior to the specified date of persons covered by the Withdrawal Agreement will be in accordance with Chapter VI of Directive 2004/38/EC.	Any restrictions of rights on grounds of public policy or security related to conduct prior to the specified date of persons covered by the Withdrawal Agreement will be in accordance with Chapter VI of Directive 2004/38/EC.	
16	Criminality committed after the specified date	Any restrictions of rights on grounds of public policy or security related to conduct after the specified date will be in accordance with national law.	Any restrictions of rights on grounds of public policy or security related to conduct after the specified date will be in accordance with national law.	

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17	Abuse of rights and fraudulent applications	<p>The host State may adopt the necessary measures to refuse, terminate or withdraw any right conferred by the Withdrawal Agreement in the case of abuse of those rights or fraud as per Article 35 of Directive 2004/38/EC.</p> <p>Such measures should be subject to the procedural safeguards provided for in row 18.</p>	<p>The host State may adopt the necessary measures to refuse, terminate or withdraw any right conferred by the Withdrawal Agreement in the case of abuse of those rights or fraud as per Article 35 of Directive 2004/38/EC.</p> <p>Such measures should be subject to the procedural safeguards provided for in row 18.</p>	
18	Procedural safeguards and judicial redress	<p>There will be safeguards in the Withdrawal Agreement for a fair procedure, and decisions will be subject to the redress mechanisms and judicial controls provided in Articles 15 and 30 - 32 of Directive 2004/38/EC.</p>	<p>There will be safeguards in the Withdrawal Agreement for a fair procedure, and decisions will be subject to the redress mechanisms and judicial controls provided in Articles 15 and 30 - 32 of Directive 2004/38/EC.</p>	
19	Associated rights, including economic rights and equal treatment	<p>Individuals will maintain all their rights, including equal treatment, within the limits of Articles 18, 21, 45 and 49 TFEU, Article 24 of Directive 2004/38/EC and Regulation (EU) No 492/2011 including rights of workers, self-employed, students and economically inactive citizens with respect to social security, social assistance, health care, employment, self-employment and managing an undertaking (<i>for example, the right to equal treatment in the participation in the capital of EU companies or firms</i>), education (<i>including higher education</i>) and training, social and tax advantages.</p>	<p>Individuals will maintain all their rights, including equal treatment, within the limits of Articles 18, 21, 45 and 49 TFEU, Article 24 of Directive 2004/38/EC and Regulation (EU) No 492/2011 including rights of workers, self-employed, students and economically inactive citizens with respect to social security, social assistance, health care, employment, self-employment and managing an undertaking (<i>for example, the right to equal treatment in the participation in the capital of EU companies or firms</i>), education (<i>including higher education</i>) and training, social and tax advantages.</p>	
20	Duration of rights	<p>Life-long protection for the right holder as guaranteed by the Withdrawal</p>	<p>Life-long protection for the right holder as guaranteed by the Withdrawal</p>	

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		Agreement.	Agreement.	
21		More favourable treatment	More favourable national provisions can apply in accordance with Article 37 of Directive 2004/38/EC.	More favourable national provisions can apply in accordance with Article 37 of Directive 2004/38/EC.
22	Administrative procedures	Administrative procedures – declaratory system	<p>States can continue with the present system under which entitlement to rights under the Withdrawal Agreement is conferred directly on beneficiaries by the Withdrawal Agreement and is not dependent upon their having fulfilled administrative procedures.</p> <p>Possession of a residence document may not be made a precondition for the exercise of the entitlement, as it may be attested by any other means of proof.</p>	<p>States can continue with the present system under which entitlement to rights under the Withdrawal Agreement is conferred directly on beneficiaries by the Withdrawal Agreement and is not dependent upon their having fulfilled administrative procedures.</p> <p>Possession of a residence document may not be made a precondition for the exercise of the entitlement, as it may be attested by any other means of proof.</p>
23		Administrative procedures – constitutive system	<p>Alternatively, States can require persons concerned to apply to obtain a status conferring the rights of residence as provided for by the Withdrawal Agreement and be issued with a residence document attesting to the existence of that right.</p> <p>Where the host State requires persons concerned to apply for a status, no status is obtained if no successful application is made, subject to the paragraph below.</p> <p>Where an application is required to obtain status, adequate time of at least two years must be allowed to persons</p>	<p>Alternatively, States can require persons concerned to apply to obtain a status conferring the rights of residence as provided for by the Withdrawal Agreement and be issued with a residence document attesting to the existence of that right.</p> <p>Where the host State requires persons concerned to apply for a status, no status is obtained if no successful application is made, subject to the paragraph below.</p> <p>Where an application is required to obtain status, adequate time of at least two years must be allowed to persons</p>

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		within scope of the Withdrawal Agreement to submit their applications. During this time period, they will enjoy the rights conferred by the Withdrawal Agreement.	within scope of the Withdrawal Agreement to submit their applications. During this time period, they will enjoy the rights conferred by the Withdrawal Agreement.	
24	Administrative procedures in general	Administrative procedures for applications for status will be transparent, smooth and streamlined.	Administrative procedures for applications for status will be transparent, smooth and streamlined.	
25		The Withdrawal Agreement will specify that the host States cannot require anything more than is strictly necessary and proportionate to determine whether the criteria have been met. The Withdrawal Agreement will contain provisions that follow a similar approach to the provisions on evidential requirements in Directive 2004/38/EC.	The Withdrawal Agreement will specify that the host States cannot require anything more than is strictly necessary and proportionate to determine whether the criteria have been met. The Withdrawal Agreement will contain provisions that follow a similar approach to the provisions on evidential requirements in Directive 2004/38/EC.	
26		The host State will avoid any unnecessary administrative burdens.	The host State will avoid any unnecessary administrative burdens.	
27		Application forms will be short, simple, user friendly and adjusted to the context of the Withdrawal Agreement.	Application forms will be short, simple, user friendly and adjusted to the context of the Withdrawal Agreement.	
28		Competent authorities will give applicants the opportunity to furnish supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place. A principle of evidential flexibility will apply, enabling competent authorities to exercise discretion in favour of the applicant where appropriate.	Competent authorities will give applicants the opportunity to furnish supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place. A principle of evidential flexibility will apply, enabling competent authorities to exercise discretion in favour of the applicant where appropriate.	
29		The host State will work with the applicants to help them prove their eligibility under the Withdrawal	The host State will work with the applicants to help them prove their eligibility under the Withdrawal	

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		Agreement and to avoid any errors or omissions that may impact on the application decision.	Agreement and to avoid any errors or omissions that may impact on the application decision.	
30		Applications made by families at the same time will be considered together.	Applications made by families at the same time will be considered together.	
31	Safeguards related to decision-making procedure	Decisions taken under the procedure for obtaining status under the Withdrawal Agreement will be made in accordance with objective criteria established in the Withdrawal Agreement.	Decisions taken under the procedure for obtaining status under the Withdrawal Agreement will be made in accordance with objective criteria established in the Withdrawal Agreement.	
32		There will be no discretion to refuse status other than for reasons allowed by the Withdrawal Agreement, but discretion can be exercised in favour of the applicant.	There will be no discretion to refuse status other than for reasons allowed by the Withdrawal Agreement, but discretion can be exercised in favour of the applicant.	
33		A proportionate approach will be taken to those who miss the deadline for application where there is a good reason.	A proportionate approach will be taken to those who miss the deadline for application where there is a good reason.	
34		Decisions of national authorities and courts will be subject to the redress mechanisms and judicial controls provided in Directive 2004/38/EC.	Decisions of national authorities and courts will be subject to the redress mechanisms and judicial controls provided in Directive 2004/38/EC.	
35		The Citizens' Rights part of the Withdrawal Agreement will apply to the applicants who sought judicial redress against rejection of their applications until the decision becomes final. This is without prejudice to the right of the host State to remove applicants from the territory under the conditions set out in Directive 2004/38/EC, in particular Articles 31 and 35, even before a final judgment has been handed down in case of judicial redress	The Citizens' Rights part of the Withdrawal Agreement will apply to the applicants who sought judicial redress against rejection of their applications until the decision becomes final. This is without prejudice to the right of the host state to remove applicants from the territory under the conditions set out in Directive 2004/38/EC, in particular Articles 31 and 35, even before a final judgment has been handed down in case of judicial redress	

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		sought against any rejection of their applications.	sought against any rejection of their applications.	
36	Current holders of permanent residence certificate	<p>In order to obtain status under the Withdrawal Agreement by application, those already holding a valid permanent residence document issued under EU law on the specified date will have that document converted into the new document free of charge, subject to verification of identity, a criminality and security check and confirmation of ongoing residence.</p> <p>This includes beneficiaries of the Withdrawal Agreement who hold valid domestic immigration documents conferring a permanent right to reside in the host State, such as UK Indefinite Leave to Remain (ILR) status.</p>	<p>In order to obtain status under the Withdrawal Agreement by application, those already holding a valid permanent residence document issued under EU law on the specified date will have that document converted into the new document free of charge, subject to verification of identity, a criminality and security check and confirmation of ongoing residence.</p> <p>This includes beneficiaries of the Withdrawal Agreement who hold valid domestic immigration documents conferring a permanent right to reside in the host State, such as UK Indefinite Leave to Remain (ILR) status.</p>	
37	Administrative procedures – criminality checks	Systematic criminality and security checks can – in the specific context of acquiring status under the Withdrawal Agreement – be carried out on all applicants for status under the Agreement. The applicants can be asked to declare criminality. Any consequences arising from such checks and declarations will be subject to the procedures in row 23.	Systematic criminality and security checks can – in the specific context of acquiring status under the Withdrawal Agreement – be carried out on all applicants for status under the Agreement. The applicants can be asked to declare criminality. Any consequences arising from such checks and declarations will be subject to the procedures in row 23.	
38	ID requirements for documentation as a beneficiary of the Withdrawal Agreement	<p>As per Directive 2004/38/EC – valid passport or national identity card.</p> <p>Biometric information (photo) may be required for UK nationals and EU citizens.</p>	<p>As per Directive 2004/38/EC – valid passport or national identity card.</p> <p>Biometric information (photo) may be required for UK nationals and EU citizens.</p>	

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39		Fees for documentation	Free of charge or for a charge not exceeding that imposed on nationals for issuing of similar documents. Current holders of permanent residence documents and beneficiaries of the Withdrawal Agreement who hold a valid document conferring a permanent right to reside in the host State (<i>such as Indefinite Leave to Remain in the UK</i>) to exchange for updated documentation free of charge.	Free of charge or for a charge not exceeding that imposed on nationals for issuing of similar documents. Current holders of permanent residence documents and beneficiaries of the Withdrawal Agreement who hold a valid document conferring a permanent right to reside in the host State (<i>such as Indefinite Leave to Remain in the UK</i>) to exchange for updated documentation free of charge.	
40	Social security coordination	Personal scope ¹	Persons within the personal scope of Regulation (EC) No 883/2004 as covered in Article 2 who on the specified date are or have been subject to the legislation of an EU27 Member State for UK nationals, or UK legislation for EU27 citizens, and EU27 and UK nationals within the personal scope of the agreement by virtue of residence.	Persons within the personal scope of Regulation (EC) No 883/2004 as covered in Article 2 who on the specified date are or have been subject to the legislation of an EU27 Member State for UK nationals, or UK legislation for EU27 citizens, and EU27 and UK nationals within the personal scope of the agreement by virtue of residence.	
41		Past residence and work	EU and UK citizens having worked or resided in the EU27/UK in the past will, for the purposes of aggregation of periods of social security insurance, including rights flowing from such periods, in accordance with Regulation (EC) No 883/2004 be covered by the Withdrawal Agreement.	EU and UK citizens having worked or resided in the EU27/UK in the past will, for the purposes of aggregation of periods of social security insurance, including rights flowing from such periods, in accordance with Regulation (EC) No 883/2004 be covered by the Withdrawal Agreement.	
42		Past and future	Contributions both before and after the	Contributions both before and after the	

¹ This includes stateless persons and refugees (*Article 2(2) of Regulation (EC) No 883/2004*).

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	contributions – Aggregation under the Withdrawal Agreement	specified date in the EU27 and the UK will be recognised for those covered by the Withdrawal Agreement.	specified date in the EU27 and the UK will be recognised for those covered by the Withdrawal Agreement.	
43	Equal treatment	Equal treatment under the conditions set out in EU law.	Equal treatment under the conditions set out in EU law.	
44	Benefits	All those referred to in Regulation (EC) No 883/2004.	All those referred to in Regulation (EC) No 883/2004.	
45	Benefits – export of benefits	Lifetime export under conditions in Regulation (EC) No 883/2004, including lifetime export of uprated pensions.	Lifetime export under conditions in Regulation (EC) No 883/2004, including lifetime export of uprated pensions.	
46	Healthcare – material scope	The rules for healthcare will follow Regulations (EC) No 883/2004 and 987/2009.	The rules for healthcare will follow Regulations (EC) No 883/2004 and 987/2009. For instance, responsibility for funding healthcare lies with the competent authority for State Pensions.	
47	Healthcare – personal scope	Persons whose competent State is the UK and are in the EU27 on the specified date (<i>and vice versa</i>) – whether on a temporary stay or resident – continue to be eligible for healthcare reimbursement, including under the EHIC scheme, as long as that stay or residence position continues. This includes, for instance, EU27 citizens working in the UK on the specified date (<i>and vice versa for UK nationals in the EU27</i>); EU27 pensioners living in the UK on the specified date (<i>and vice versa</i>); and EU27 nationals studying in the UK on the specified date (<i>and vice versa</i>).	Persons whose competent State is the UK and are in the EU27 on the specified date (<i>and vice versa</i>) – whether on a temporary stay or resident – continue to be eligible for healthcare reimbursement, including under the EHIC scheme, as long as that stay or residence position continues. This includes, for instance, EU27 citizens working in the UK on the specified date (<i>and vice versa for UK nationals in the EU27</i>); EU27 pensioners living in the UK on the specified date (<i>and vice versa</i>); and EU27 nationals studying in the UK on the specified date (<i>and vice versa</i>).	

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		<p>The Withdrawal Agreement also covers entitlement to healthcare reimbursement under the S1 scheme that arises by virtue of past residence or work, in accordance with the personal scope of the agreement in relation to social security rights.</p> <p>It will also protect the position of people who are undertaking a course of treatment started before the specified date for the duration of that treatment course, irrespective of residence.</p>	<p>The Withdrawal Agreement also covers entitlement to healthcare reimbursement under the S1 scheme that arises by virtue of past residence or work, in accordance with the personal scope of the agreement in relation to social security rights.</p> <p>It will also protect the position of people who are undertaking a course of treatment started before the specified date for the duration of that treatment course, irrespective of residence.</p>	
48		Coordination principles	All other coordination principles of Regulation (EC) No 883/2004.	
49		Administrative cooperation	Cooperation between national authorities as set out in Regulations (EC) No 883/2004 and 987/2009.	
50			For rights and obligations set out in Regulations (EC) No 883/2004 and 987/2009 on the coordination of social security systems, a mechanism should be established to decide jointly on the incorporation of future amendments to those regulations in the Withdrawal Agreement.	
51	Professional qualifications	Personal scope	The rights of EU27 persons resident in the UK on the specified date and vice versa as well as frontier workers.	
52		Equal treatment	Equal treatment with national professionals (<i>Articles 45 and 49 TFEU</i>) where professionals are resident in the UK on the specified date and vice versa.	

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53	Material scope	To be grandfathered:	To be grandfathered:	
53a		<ul style="list-style-type: none"> ○ decisions on recognition of EU 28 qualifications granted before the specified date either in the UK or in any other EU 27 under Title III of Directive 2005/36/EC (<i>PQD</i>), Article 10 of Directive 98/5/EC (<i>lawyers practising under host title</i>) and Article 14 of Directive 2006/43/EC (<i>approved statutory auditors</i>). 	<ul style="list-style-type: none"> ○ decisions on recognition of EU 28 qualifications granted before the specified date either in the UK or in any other EU 27 under Title III of Directive 2005/36/EC (<i>PQD</i>), Article 10 of Directive 98/5/EC (<i>lawyers practising under host title</i>) and Article 14 of Directive 2006/43/EC (<i>approved statutory auditors</i>). 	
53b		<ul style="list-style-type: none"> ○ decisions on recognition of third country qualifications which have been assimilated to EU qualifications after three years of exercise in the EU28 country which first recognised them. 	<ul style="list-style-type: none"> ○ decisions on recognition of third country qualifications which have been assimilated to EU qualifications after three years of exercise in the EU28 country which first recognised them. 	
53c		<ul style="list-style-type: none"> ○ on-going recognition procedures to be completed under the rules applicable before the specified date (<i>both EU and third-country recognitions</i>) including ongoing compensatory measures to obtain recognition under Title III of Directive 2005/36/EC (<i>PQD</i>), Article 14 of Directive 2006/43/EC (<i>approved statutory auditors</i>) and Article 10 of Directive 98/5/EC (<i>lawyers practising under host title</i>) including procedures under Article 10(1) of Directive 98/5/EC. 	<ul style="list-style-type: none"> ○ on-going recognition procedures to be completed under the rules applicable before the specified date (<i>both EU and third-country recognitions</i>) including ongoing compensatory measures to obtain recognition under Title III of Directive 2005/36/EC (<i>PQD</i>), Article 14 of Directive 2006/43/EC (<i>approved statutory auditors</i>) and Article 10 of Directive 98/5/EC (<i>lawyers practising under host title</i>) including procedures under Article 10(1) of Directive 98/5/EC. 	
54	Territorial scope	Grandfathering of decisions on recognition of qualifications in the host	Grandfathering of decisions on recognition of qualifications in the host	

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			State and, for frontier workers, in the State of work.	State and, for frontier workers, in the State of work.	
55	Governance <i>(for the Governance part of the Agreement)</i>	Direct effect	The provision in the Agreement should enable citizens to rely directly on their rights as set out in the citizens' rights Part of the Agreement and should specify that inconsistent or incompatible rules and provisions will be disapplied.	The provision in the Agreement should enable citizens to rely directly on their rights as set out in the citizens' rights Part of the Agreement and should specify that inconsistent or incompatible rules and provisions will be disapplied.	
56		Role of the Court of Justice of the European Union	The citizens' rights Part of the Agreement establishes rights following on from those established in Union law during the UK's membership of the European Union; the CJEU is the ultimate arbiter of the interpretation of Union law. In the context of the application or interpretation of those rights, UK courts shall therefore have due regard to relevant decisions of the CJEU after the specified date. The Agreement should also establish a mechanism enabling UK courts or tribunals to decide, having had due regard to whether relevant case-law exists, to ask the CJEU questions of interpretation of those rights where they consider that a CJEU ruling on the question is necessary for the UK court or tribunal to be able to give judgment in a case before it. This mechanism should be available for UK courts or tribunals for litigation brought within 8 years from the date of application of the citizens' rights Part.	The citizens' rights Part of the Agreement establishes rights following on from those established in Union law during the UK's membership of the European Union; the CJEU is the ultimate arbiter of the interpretation of Union law. In the context of the application or interpretation of those rights, UK courts shall therefore have due regard to relevant decisions of the CJEU after the specified date. The Agreement should also establish a mechanism enabling UK courts or tribunals to decide, having had due regard to whether relevant case-law exists, to ask the CJEU questions of interpretation of those rights where they consider that a CJEU ruling on the question is necessary for the UK court or tribunal to be able to give judgment in a case before it. This mechanism should be available for UK courts or tribunals for litigation brought within 8 years from the date of application of the citizens' rights Part.	

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57	Monitoring and oversight	<p>The implementation and application of the citizens' rights Part will be monitored in the Union by the Commission acting in conformity with the Union Treaties. In the UK, this role will be fulfilled by an independent national authority; its scope and functions, including its role in acting on citizens' complaints, will be discussed between the parties in the next phase of the negotiations and reflected in the Withdrawal Agreement. There should be regular exchange of information between the UK government and the Commission.</p>	<p>The implementation and application of the citizens' rights Part will be monitored in the Union by the Commission acting in conformity with the Union Treaties. In the UK, this role will be fulfilled by an independent national authority ; its scope and functions, including its role in acting on citizens' complaints, will be discussed between the parties in the next phase of the negotiations and reflected in the Withdrawal Agreement. There should be regular exchange of information between the UK government and the Commission.</p>	
58	Other matters	<p>The following other matters were raised by the UK, but were outside the scope of the EU mandate for the first phase of the negotiations.</p> <ul style="list-style-type: none"> • the continuing protection of rights for UK nationals covered by the Withdrawal Agreement who move after the specified date to take up residence in another Member State; • posted workers; • future healthcare arrangements; • professional qualifications – future recognition decisions, recognition of qualifications of non-residents, and equal treatment for professionals who are neither frontier workers nor resident; • recognition of licences and certificates that are currently recognised EU-wide • lawyers practising under home title; and • territorial scope of economic rights, in particular secondary establishment and cross-border provision of services. 		