

# Your Europe Advice – Annual Trends 2022



**20,071**

**Enquiries** handled by ECAS' legal experts on EU-rights.



These enquiries provide an insight into the problems experienced by EU citizens and businesses regarding their personal EU rights, including freedom of movement.



ECAS produces quarterly feedback reports based on the most interesting cases handled by YEA. These reports are used to highlight ongoing issues encountered in the Internal Market.

## Nature of the enquiries received (%)

In 2022, after two years of pandemic crisis that drastically impacted mobility within the European Union, citizens began to travel again: for tourism, work and study.

The way in which businesses operate has been irrevocably altered: teleworking has become a norm. The war in Ukraine has also had major repercussions on the internal market. These dynamics are reflected in the questions received by YEA.

Citizens experienced obstacles imposed not only by national administrations but also by private entities. Many citizens were well informed, but unable to find a remedy for their situation.



26%

Social Security



19%

Residence



16%

Entry Procedures



7%

Consumer Issues



7%

Taxes



7%

Work



4%

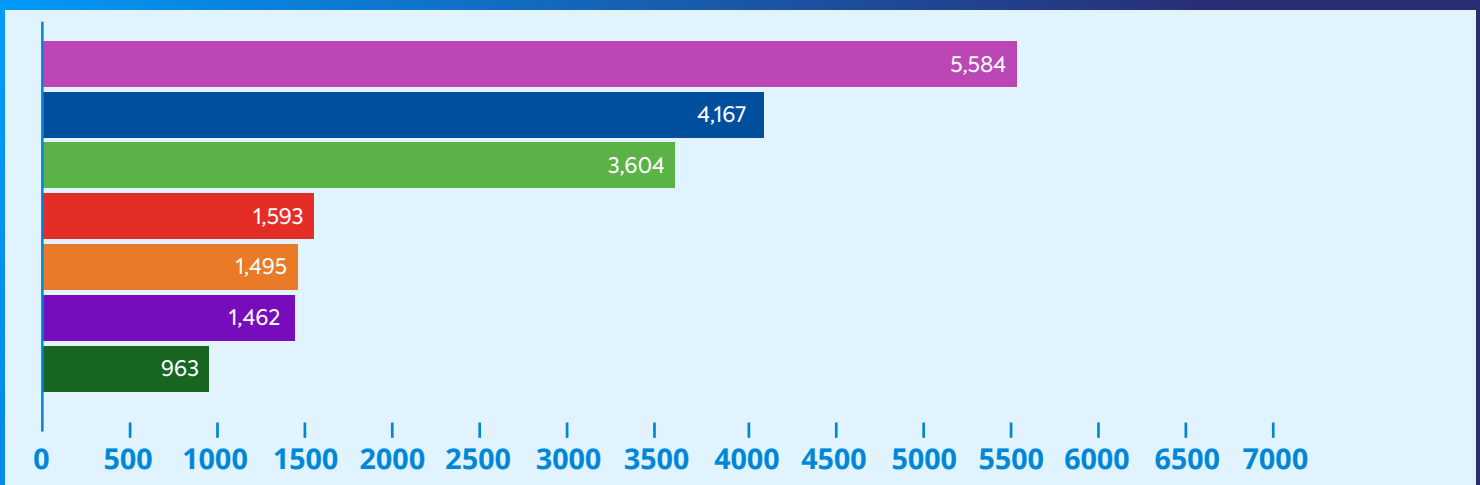
Goods



13%

Other

## Main topics 2022 in numbers



- Social Security
- Residence
- Entry procedures
- Other consumer issues
- Taxes
- Work
- Goods

YEA received enquiries from citizens from all 27 EU countries, Norway and Iceland and from third-country nationals who were family members of EU citizens. Fourteen percent of enquiries (+3% compared to 2021) were from third-country nationals. YEA received fewer questions from British nationals by comparison with previous years due to Brexit and significantly more enquiries from Italian, German, Spanish and Romanian citizens.

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## Social Security: Country of Insurance

An American citizen was resident in Germany where he was in possession of a permanent residence visa. He was offered a job based in Belgium but negotiated a contract under which he could work entirely remotely from Berlin and never physically work in Belgium. He experienced extreme difficulties in sourcing relevant information on the competent country for social security.

A Finnish citizen worked in Germany since 2020 but ceased working in July 2022 before commencing study in the Netherlands. She queried which country's social security system and EHIC card would cover her during her stay in the Netherlands. Neither the Finnish nor German authorities were able to advise.

## Our recommendation

Administrative cooperation between national authorities must be improved. Regulation (EC) No. 883/2004 on the coordination of social security schemes provides for such cooperation. National authorities must be trained in the applicable social security rules when citizens move within the EU. Requests for information should be attended to without delay and, in any event, within three months.

In exceptional situations, when it is not possible to respond within three months, the competent authority should indicate deadlines and provide updates.



## Residence: Family Rights

The Mexican wife of an Italian citizen studying in Sweden did not receive a residence card for twenty months from submission of her application. Her visa expired and she was unable to leave Sweden until issue of the card.

British nationals' resident in Denmark ignored the fact that they should have applied for residence status in Denmark before 31 December 2021. Many British nationals failed to apply before the deadline and queried their status.

The French authorities issued a permanent residence card valid for only 5 years (rather than 10) to the Algerian spouse of a Belgian citizen who had acquired a right of permanent residence. No explanation was provided for issue of the short-term card.

## Our recommendation

Member States should ensure that national legislation is clear and sufficiently detailed to guarantee attainment of the objectives of Directive 2004/38/EC. If necessary, national laws should be supplemented by adequate administrative guidelines providing clear instructions on the application of the Directive.

The definition of "durable relationship" should be harmonised and Member States' authorities and national administrations should be trained to appropriately apply the rules. It should also be clear to the administrations that non-EU family members are not required to leave the host Member State and re-apply for an entry visa simply because the residence card application process is taking too long.



## Social Security: Health Care, Sickness or Maternity

The French health insurance authority failed to acknowledge that it was competent to issue a Form S1 to the citizen who was a frontier worker insured in and in receipt of a pension from France. The French authority erroneously directed the citizen to Switzerland where he had last worked.

A 94-year-old Italian citizen waited more than six months for the French social security authority to process her Italian Form S1. As a consequence, she experienced difficulties in accessing health-care in France.

## Our recommendation

Raise awareness among citizens and national authorities about use of a EHIC to obtain healthcare cover. Raise awareness of patients' rights to reimbursement (independently of possession of an EHIC) for cross-border healthcare to ensure that everyone who needs care knows their options.



## Entry: Long/short term visas

The Japanese spouse of a Czech citizen applied for visa to visit Finland. She complained that a service fee was charged. The service fee is apparently imposed if the visa is applied for through a service centre. However, the Finnish Consulate did not offer the possibility to apply directly for a visa at the Consulate.

The Egyptian husband of a Greek citizen complained that the Italian Consulate in Australia refused to operate an accelerated procedure in respect of his Schengen visa application. The family member was requested to provide supporting documents beyond those permitted under Directive 2004/38/EC.

## Our recommendation

Member States should put in place an effective, harmonised and efficient system of complaints against refusals to issue visas and establish a supervisory body to oversee the work of visa service providers and ensure correct application of the EU rules.

Positive action is required at EU and national level to find a solution that strikes a balance between preventing abuse and ensuring that EU free movement rules are respected so that family members of EU nationals are issued entry visas on the basis of an accelerated procedure.



## Social Security: Old age Benefits

A retired Finnish citizen resided in Finland. He claimed pensions from both Belgium and France. The Finnish authorities contacted the Belgian and French social security bodies, but neither responded.

An Italian citizen worked for seven months in Germany and in Italy for more than 41 years. When he applied for a pension in Italy, the local Italian social security institution was unaware of how to treat the seven months worked in Germany.

## Our recommendation

Pensioners need quality information both from the sending country before departure and the receiving country upon and after arrival. The obligation of communication and cooperation between Member States as stated in Article 76 of Regulation (EC) No. 883/2004 should be reinforced by the European Institutions.