

Your Europe Advice – Annual Trends 2023



18,702

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 (%)

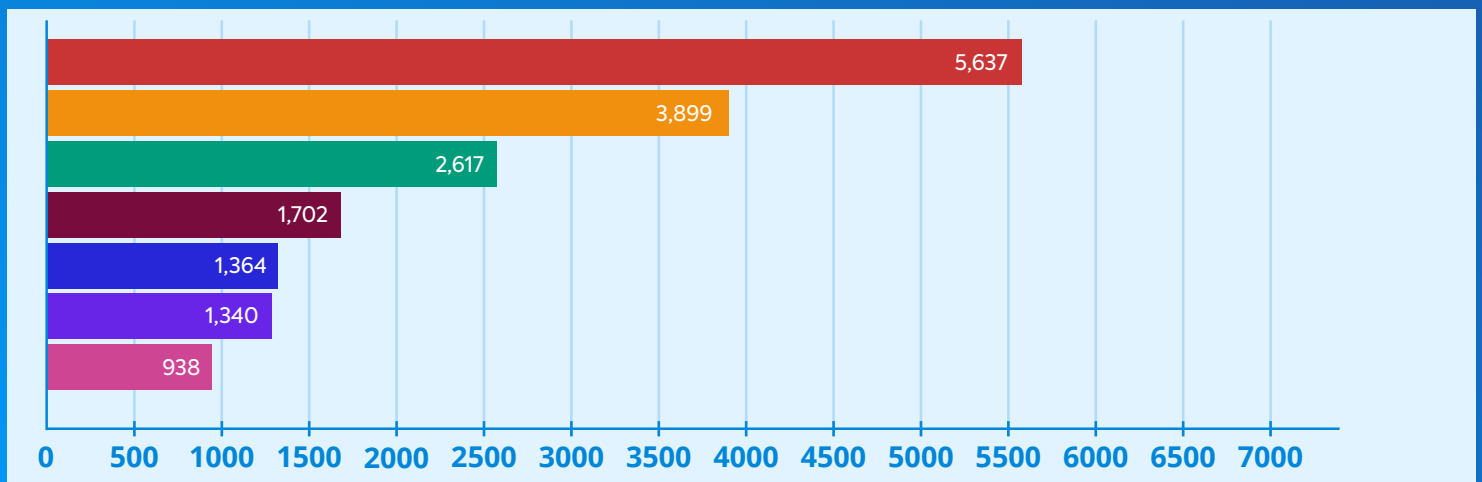
In 2023, there was a slight decrease in the number of questions the service received compared to 2022. The number of ineligible questions was high (21%), but stable compared to 2022. Some UK related enquiries are no longer covered by EU law. Enquiries were received from third-country nationals and third-country businesses which were not related to EU law and could not be dealt with by YEA.

A significant number of social security enquiries was received (28%). This was higher than last year both in proportion and numbers, followed by residence rights (19%) and entry procedures (13%). This hierarchy remains unchanged from 2022.

By comparison with previous years, there was an increase in issues relating to working in another country; tax, partly attributable to new teleworking issues; and questions on consumer law.



Main topics 2023 in numbers



- Social Security
- Residence
- Entry procedures
- Work
- Taxes
- Goods

YEA received enquiries from citizens from all 27 EU countries and from citizens of Norway and Iceland. Enquiries were also received from third-country nationals who are family members of EU citizens (14%). YEA received fewer questions from British citizens compared with previous years. The top ten nationalities that contact YEA most frequently remain unchanged compared to 2022.

The Five Main Issues In 2023



Social Security: Country of Insurance

A Finnish employer who had an employee based in Italy, was unable to access information on how to pay social security contributions there. He was conscious that there may be other formalities with which he should comply, but was unable to obtain information about these.

The Belgian authorities were unable to identify the applicable law in respect of a British national who resided in Belgium, where he was self-employed. He also worked remotely for a UK-based employer. The Belgian social security institution, INASTI, appear to have assessed him as working in the UK when, in fact, he worked remotely from Belgium, where he also resided.

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

A Mexican national moved to France with her Spanish husband upon which she applied for a residence card. After more than one year, no residence card was issued. There was no communication from the authorities and the certificate of application had expired.

The non-EU partner of an Italian citizen was requested by the Irish authorities to provide evidence of the durability of their relationship in addition to their rental agreement. The couple experienced difficulties in obtaining such evidence and were unsure what may be acceptable to the Irish authorities.

The British registered partner of a Belgian citizen waited for more than six months to obtain a decision on his application for a residence card from the French competent authority. As a result, the British partner was unable to travel outside France.

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. The new guidance on the right to free movement, published by the European Commission on the 6th of December 2023, aims to help Member State authorities and national courts correctly apply EU free movement rules.

The new guidance provides some elements that can establish the existence of a duly attested de facto durable relationship. It also clarifies that “where the entry visa expires while waiting for the issuance of the residence card, non-EU family members do not have to return to their country of origin and obtain a new entry visa”.

Member States’ authorities and national administrations should be informed and trained to appropriately apply the rules.



Social Security: Health Care, Sickness or Maternity

It is impossible to register with the local French health insurance body (CPAM) with a Form S1 because the online procedure, which is the only means to obtain an appointment, is available only to those in possession of a French social security number or French health insurance card.

An Irish hospital refused to recognise an EHIC presented by a Spanish student who was in need of a medical care. The Irish hospital claimed that the EHIC was valid only for tourists and not for students and charged the student for the treatment received.

Our recommendation

Raise awareness among citizens and national authorities about the use of an 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 rights and can make informed choices.



Social Security: Old age Benefits

A Bulgarian citizen living in Italy applied for his pension there. The Italian pension authority failed to contact their Bulgarian counterpart, with the result that the citizen had not received any pension payment for more than a year.

A Portuguese citizen applied for an old age pension in France. The citizen claimed that the French authorities erred in calculating the amount of her pension. She complained to several authorities in France but received no response for more than a year.

Our recommendation

Pensioners need clear and reliable information, since the rules differ from one country to another, it should come 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.



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.