

Your Europe Advice – Annual Trends 2020



25.281

Enquiries handled by ECA'S 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.



In 2020, the COVID-19 crisis had an enormous impact on the movement of citizens and businesses within the EU.

Nature of the enquiries received (%)

In 2020, the most important topics, in terms of the number of received enquiries were social security, residence and entry procedures.

YEA received a higher number of social security enquiries (23%), mainly because of the COVID-19 crisis and Brexit.

There was also a significant increase in questions relating to the free movement of goods and enquiries linked to consumer rights.



23%
Social Security



20%
Residence



13%
Entry Procedures



8%
Taxes



7%
Work



7%
Motor - Vehicles



7%
Consumer Issues

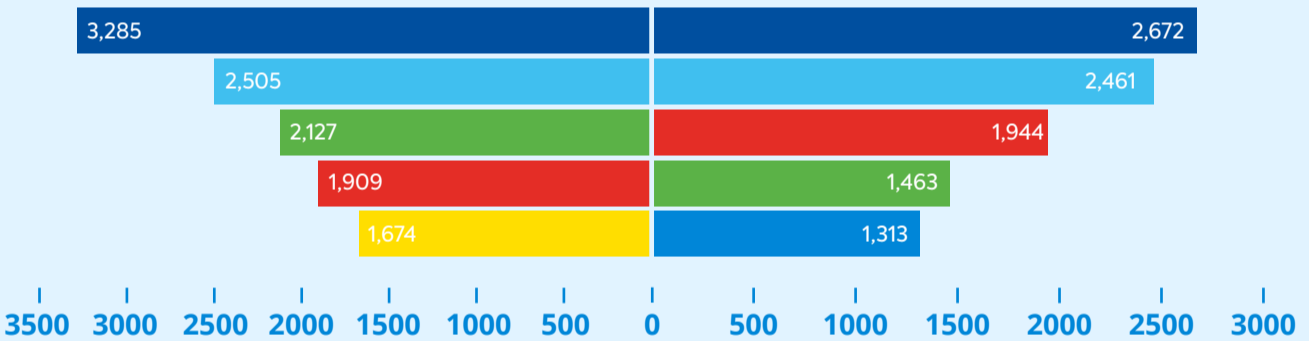


13%
Other

Top 5 Sub-Topics of Concern 2019 vs 2020

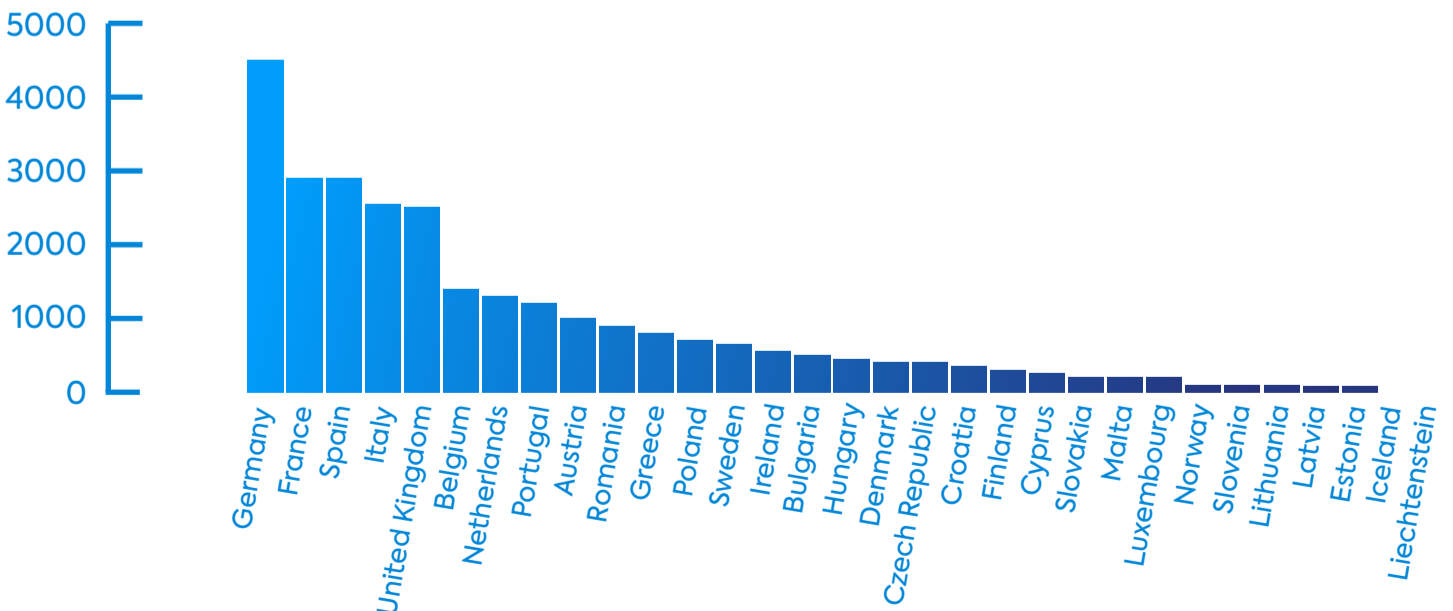
2019

2020



- Residence: Family Rights
- Social Security: Country of Insurance
- Entry: Long/Short-Term Visas
- Social Security: Health Care, Sickness or Maternity
- Entry: Travel Documents for EU Nationals
- Residence: Family Rights
- Social Security: Country of Insurance
- Social Security: Health Care, Sickness or Maternity
- Entry: Others
- Social Security: Old Age Benefits

Number of enquiries per country



Your Europe Advice (YEA) is an EU advice service on personal EU rights of citizens and businesses which ECAS manages under contract with and on behalf of the European Commission. A team of 60 legal experts, who are familiar with both EU law and national law in all EU countries, provide free and personalised advice within a week and in the language of your choice. They clarify the European law that applies in your case, and explain how you can exercise your EU rights. More information is available at: <http://ecas.org/services/your-europe-advice-yea/>.

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Residence: Family Rights

An American citizen accompanied her Dutch husband to Greece where she attempted to register as an EU family member but was refused registration. She was told that she needed an independent reason to register her presence in Greece.

Due to the COVID-19 crisis, the Irish authorities have accumulated delays in issuing residence cards to non-EU family members of EU nationals. The Ecuadorian spouse of a Polish national did not receive a residence card and was issued with the temporary residence document (a Stamp 4 letter) while his residence card application was pending. Prospective employers refused to acknowledge his right to work on the basis of this letter and insisted on presentation of a residence card.

Our recommendation

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

The definition of “durable relationship” should be harmonised for the benefit of Member States’ authorities and national administrations should be trained to appropriately apply the rules. It should also be clear for 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: Country of Insurance

A German citizen living in Munich and working in Denmark commenced working from Munich due to COVID-19. When he sought advice on the necessary forms and where to submit these to ensure his social security rights while working remotely, both the German and Danish authorities failed to advise him. The Danish authorities directed him to apply in Germany while the German authorities advised him to apply in Denmark.

An Italian citizen entered the Netherlands with a view to finding employment there. On the day after he commenced working, his employer’s business closed as a result of the COVID-19 lockdown. The citizen had not yet signed an employment contract. He was unable to return to Italy and did not know which country was competent for social security.

Our recommendation

Administrative cooperation between national authorities must be improved. Regulation (EC) No. 883/2004 on the coordination of social security schemes provides for this. 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.



Social Security: Health Care, Sickness or Maternity

A Slovak national working in Germany was required to remain in Slovakia for two weeks in COVID-19 quarantine. He queried who would pay his sickness benefits. He was advised by the Slovakian authorities that he was not insured in Slovakia. The German authorities advised that as the quarantine was declared by Slovakia rather than Germany, they were not competent for the benefits.

An Italian citizen was residing in Belgium. His mother, who lives in Italy, had come to visit him. However, following the lockdown, she was unable to return to Italy. She suffers from an illness which requires injections. She went to the pharmacy and to the hospital to obtain treatment, but both the pharmacy and hospital refused to consider her European Health Insurance Card.

Our recommendation

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 his/her options.



Entry: Others

Hungary banned all foreign citizens, including EU nationals who did not have residence in Hungary, from entry into the country from 1 September 2020 due to the COVID-19 pandemic. As a result, the German partner of an Hungarian citizen could not visit her in Hungary and their right to family life was infringed.

A Slovakian pensioner living in the Netherlands wished to return to Slovakia to be close to her family during the COVID crisis but, without proof of permanent residence there, she was not allowed to enter the country.

Our recommendation

The COVID-19 crisis deserved an EU coordinated response and not a series of unilateral actions from each EU Member State. EU citizens’ rights should be safeguarded even more in times of crisis when some citizens are particularly vulnerable.



Social Security: Old Age Benefits

An Italian citizen who worked for 23 months in the UK, queried the future of his pension accumulated in the UK and whether it would be added to his Italian pension. He asked whether this would happen automatically or if he should contact the Italian social security authority (INPS).

An Irish citizen worked in Italy, Spain, Ireland and the UK. She is now 69 years old and while she receives pro rata pensions from the UK and Ireland, she is unable to receive any pension payment from either Italy or Spain. She sought assistance in enforcing her pension rights under EU law.

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.