



EUROPEAN COMMISSION - PRESS RELEASE

Free movement: Commission asks the UK to uphold EU citizens' rights

Brussels, 26 April 2012 – The European Commission has given the United Kingdom two months to comply with European Union rules on the free movement of EU citizens and their families across the EU or face an EU court case. The Commission's request takes the form of a reasoned opinion (the second step in the three-step EU infringement process). The Free Movement Directive ([2004/38/EC](#)) aims to ensure that EU citizens can fully enjoy their rights to freely travel, live and work anywhere in the European Union. The Commission may refer countries that are not fulfilling their obligations to the Court of Justice of the EU.

The Free Movement Directive should have been fully transposed by EU Member States in their national rules by April 2006. Following bilateral discussions with EU Member States, the Commission successfully resolved more than 90% of outstanding issues in national implementation, but certain obstacles remain ([IP/11/981](#)).

The Commission therefore launched infringement proceedings against Austria, Belgium, Cyprus, the Czech Republic, Germany, Italy, Malta, Lithuania, Spain, Sweden, Poland and the United Kingdom during the period from March to October 2011.

The reasoned opinion against the United Kingdom follows two reasoned opinions against the Czech Republic and Lithuania, launched in January 2012 ([IP/12/75](#)).

As one of the EU's larger Member States, the UK is home to around 2 million citizens from other EU countries. It is therefore important that UK laws respect their rights. While the UK authorities have recently committed to amending their rules to ensure full compliance with EU law on free movement in a number of important areas, four issues remain unresolved, namely:

- The Free Movement Directive guarantees that **non-EU family members of EU citizens who hold a valid residence card issued by one EU country can travel together with EU citizens** within the European Union without an entry visa. The UK laws do not grant this important right which lies at the heart of free movement.
- The United Kingdom does not allow **extended family members of EU citizens to apply to have their residence in the UK** considered under EU law when they were lawfully residing in the UK before the arrival to the UK of the EU citizen on whom they are dependent.
- Under the Free Movement Directive, **EU citizens who settle in another EU country but do not work there may be required to have sufficient resources and sickness insurance**. The United Kingdom, however, does not consider entitlement to treatment by the UK public healthcare scheme (NHS) as sufficient. This breaches EU law.

- Finally, the United Kingdom **does not issue workers from Romania and Bulgaria during the first 12 months with the same residence documents as workers from other EU Member States**. While EU law allows the United Kingdom to temporarily keep in place a work-permit scheme for workers from Bulgaria and Romania, those who have a work permit have the same right to reside as other EU workers and must be issued the corresponding residence documents.

The Commission is continuing to closely monitor how all the other EU Member States are delivering on their commitments to amend their national rules in order to comply with the Commission's concerns.

For more information

[MEMO/12/279](#)

European Commission: EU citizenship – movement and residence:

http://ec.europa.eu/justice/citizen/move-live/index_en.htm

Justice Directorate General Newsroom:

http://ec.europa.eu/justice/news/intro/news_intro_en.htm

Homepage of Vice-President Viviane Reding, EU Justice Commissioner:

<http://ec.europa.eu/reding>

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