



EU Justice Sub-Committee: summary of key issues, March 2020

Since the EU referendum in 2016, the EU Justice Sub-Committee (along with the other House of Lords EU committees) has concentrated on scrutinising the impact of Brexit on the various sectors that fall within its remit. This paper summarises the current state of play regarding the Committee's key areas of responsibility.

Transcripts of the evidence sessions referred to in the document below can be found on our [website](#).

Citizens' rights

The rights of UK citizens living in the EU, and EU citizens living in the UK, has been a key concern of this committee.

For EU citizens living in the UK, the Government's EU Settlement Scheme is now up and running and appears to be working well for many people - more than 3 million applications have now been made to the scheme, and 2.7 million people granted some form of status. Given the large proportion that have been granted pre-settled, rather than settled, status, however, issues may arise when those applicants need to apply for settled status. There are also concerns over the lack of physical documentation: rather than being given hard copy proof of status, people can only prove their eligibility to potential employers, landlords etc by logging into a website. There are also very real concerns about the difficulties some vulnerable groups – including children in care, people who have experienced domestic abuse and homeless people – face applying to the scheme, as we heard at our evidence session on 4 February. The Committee has written to the immigration minister to outline these concerns, and is awaiting a response.

For UK citizens living in the EU, many of their concerns were addressed in the EU-UK Withdrawal Agreement, which ensures their access to healthcare, pensions and other social security benefits will remain unchanged. Some Member States will require people to register in order to secure these rights (like the UK's Settlement Scheme for EU citizens does) and it is too early to tell how well these systems are working. It is concerning that three Member States (Denmark, Germany and Sweden) have yet even to decide if registration will be needed. Other outstanding issues include people's right to vote in local elections and rights lost through long absences (e.g. children growing up in the EU not being able to be treated as a 'home student' if they return to the UK for university). The table in Annex I illustrates the current state of play in each Member State.

Criminal justice cooperation

There is a significant level of cooperation on criminal justice matters between EU Member States: from mutual recognition of national decisions (which allows requests for extradition to be processed swiftly under the European Arrest Warrant) to information sharing through

a number of IT systems and databases (allowing police forces across Europe to search everything from fingerprint records to car registration details). Witnesses at our evidence session on 3 March were extremely concerned about the consequences for the UK if it loses access to these systems: the quantity of information available to UK law enforcement would significantly decrease and the time required to obtain information would significantly increase. They also recognised, however, that as a non-Member State it will be very difficult to maintain the same level of cooperation. The UK Government's position on continued adherence to the European Convention on Human Rights, and whether the EU is satisfied with the UK's level of personal data protection, is likely to be central to the level of future cooperation that is possible.

Consumer protection

EU legislation requires Member States to meet a wide variety of specific standards that relate to consumer protection – from the information provided to customers on product labels, to product safety standards and the right to compensation. When the Committee took evidence on this issue on 11 February, witnesses expressed concern at the possibility that the UK Government could seek to reduce these standards in order to secure trade agreements with other countries. A public statement from the Government that they remain committed to high standards of consumer protection would be welcome. The UK has also benefited from membership of a number of EU consumer protection-related agencies, and witnesses were concerned that, based on the recently published document on the Government's approach to the UK's future relationship with the EU¹, the Government does not appear to be pursuing continued membership. These agencies cover a wide range of fields – from civil aviation to food safety – and our witnesses felt that continued cooperation would be extremely beneficial for UK consumers.

Civil justice cooperation

For people whose working lives or personal lives span one or more Member State, the fact that there are standardised rules relating to (and mutual recognition of) marriage and divorce proceedings, child custody, contract disputes etc is extremely valuable, and something that witnesses at our recent evidence session on this issue (held on 25 February) were keen to see continue. While there is some reference to seeking continued cooperation on these matters in the negotiating documents produced by the UK Government² and the European Commission,³ witnesses expressed concern that, in relation to family law in particular, there is no simple mechanism for UK citizens to continue to benefit from the level of protection that exists currently (although some, lesser, protection exists by virtue of international treaties such as the Hague Conventions).

Intellectual property

The UK Government recently informed the industry that it no longer intends for the UK to participate in the Unified Patent Court system. This is a new system, still in the process of being established, that would allow inventors to apply for a single patent that will then be recognised by all participating states. Although primarily involving European countries, the

¹ The Future Relationship with the EU, Command Paper 211, February 2020

² Ibid.

³ ANNEX to COUNCIL DECISION authorising the opening of negotiations with the United Kingdom of Great Britain and Northern Ireland for a new partnership agreement

system sits largely outside of EU law and EU institutions, and so advocates in the sector had hoped participation would not be affected by Brexit. Witnesses at the Committee's evidence session on 10 March expressed their disappointment in the decision and their belief that Brexit should not need to affect the UK's participation.

Annex I: rights of UK citizens living in the EU

Country	Do people need to register to claim rights under the Withdrawal Act (e.g. health, pensions and social security)	Voting rights in local elections?	Guide available
Austria	Yes	No	https://www.gov.uk/guidance/living-in-austria
Belgium	No	Yes, subject to 5 year residence test.	https://www.gov.uk/guidance/living-in-belgium
Bulgaria	Yes	No	https://www.gov.uk/guidance/living-in-bulgaria
Croatia	Yes	No	https://www.gov.uk/guidance/living-in-croatia
Cyprus	Yes	No	https://www.gov.uk/guidance/living-in-cyprus
Czech Republic	No	No	https://www.gov.uk/guidance/living-in-the-czech-republic
Denmark	Yet to decide	Yes, if resident before 31 January 2020.	https://www.gov.uk/guidance/living-in-denmark
Estonia	No	Yes	https://www.gov.uk/guidance/living-in-estonia
Finland	Yes	Yes	https://www.gov.uk/guidance/living-in-finland
France	Yes	No	https://www.gov.uk/guidance/living-in-france
Germany	Yet to decide	No	https://www.gov.uk/guidance/living-in-germany

Greece	Yes	No	https://www.gov.uk/guidance/living-in-greece
Hungary	No	Yes, if permanently resident prior to 31 December 2020,	https://www.gov.uk/guidance/living-in-hungary
Ireland	Continuation of Common Travel Area	Yes (reciprocal arrangement pre-dating Brexit for both local and general elections)	https://www.gov.uk/guidance/living-in-ireland
Italy	No	No	https://www.gov.uk/guidance/living-in-italy
Latvia	Yes	No	https://www.gov.uk/guidance/living-in-latvia
Lithuania	Yes	Yes, if registered as resident for more than 5 years.	https://www.gov.uk/guidance/living-in-lithuania
Luxembourg	No	Yes, subject to conditions under a bilateral treaty (CP 141, 2019).	https://www.gov.uk/guidance/living-in-luxembourg
Malta	Yes	Yes	https://www.gov.uk/guidance/living-in-malta
Netherlands	Yes	Unknown	https://www.gov.uk/guidance/living-in-the-netherlands
Poland	No	No. UK Government currently in negotiations.	https://www.gov.uk/guidance/living-in-poland

Portugal	No	Yes (under bilateral treaty CP 142, 2019)	https://www.gov.uk/guidance/living-in-portugal
Romania	Yes	No	https://www.gov.uk/guidance/living-in-romania
Slovak Republic	No	Yes, if a registered resident.	https://www.gov.uk/guidance/living-in-slovakia
Slovenia	No	Yes, if a registered resident.	https://www.gov.uk/guidance/living-in-slovenia
Spain	No	Yes (under bilateral treaty CP 71, 2019)	https://www.gov.uk/guidance/living-in-spain
Sweden	Yet to decide	Yes, if a registered resident.	https://www.gov.uk/guidance/living-in-sweden