

DAC Beachcroft files landmark case with General Court of the EU on behalf of a group of UK nationals

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Together with Professor Takis Tridimas of Matrix Chambers, DAC Beachcroft lawyers have today filed a case with the General Court of the European Union that argues that all UK citizens who had EU citizenship on 31 January 2020 have retained that citizenship notwithstanding the UK's departure from the EU.

Acting for a representative group of UK citizens, the case argues that while the Withdrawal Agreement between the UK Government and the EU has resulted in the UK as a nation leaving the EU, the fundamental status (and related fundamental rights) of UK citizens as citizens of the European Union cannot be removed by that agreement without their consent. If successful, UK citizens would retain their rights as EU citizens; for example the right to live and work in EU member states.

The defendant to the case is the Council of the EU itself. The case does not challenge the legality of Brexit.

Commenting on the case, DAC Beachcroft partner Stephen Hocking said, "In the withdrawal agreement, the EU council purported to remove fundamental individual rights from a group of citizens of the European Union, namely UK nationals, without any due process and without any reference to them. In doing so it acted unlawfully. EU citizenship is a citizenship like any other, and it confers individual rights on citizens that cannot be taken away by an agreement between governments.

Legal Director David Harrison added: "It is important to understand this case is not about whether the UK has or should have left the EU, or about what the relationship between the UK and the EU will be in the future. It does not challenge Brexit itself, or any act of the UK government. It is a challenge to a decision of the EU to deny some of its citizens their rights.

If the case succeeds it means that UK citizens will enjoy the same rights they had before Brexit to travel, work and settle within the EU."

"Fundamentally, the case asks what is the nature of the EU itself: is it merely an agreement between states, or is it truly a union of European peoples." Consultant Alexandra von Westernhagen concluded.

The DAC Beachcroft team included Consultant Alexandra von Westernhagen, Stephen Hocking, partner, and David Harrison, Legal Director.

The case is being supported by [crowdfunding](#).

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