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Judgment of the Court in Case C-499/21 P | Silver and Others v Council C-501/21 P | Shindler and Others v Council, and C-502/21 P | Price v Council

### **Definitive dismissal of the actions brought by British citizens challenging the loss of their rights as EU citizens as a result of Brexit**

*The loss of the status of citizen of the European Union, and consequently the loss of the rights attached to that status, is an automatic consequence of the sole sovereign decision taken by the United Kingdom to withdraw from the European Union, and not of the withdrawal agreement or the Council's decision approving that agreement*

In the referendum held in the United Kingdom in 2016, a majority voted in favour of the withdrawal of the United Kingdom from the EU. Consequently, the United Kingdom notified the European Council of its intention to withdraw from the EU. The representatives of the United Kingdom and the EU subsequently signed the Brexit withdrawal agreement on 24 January 2020.<sup>1</sup> The Council of the EU approved that agreement, on behalf of the EU, by decision of 30 January 2020.<sup>2</sup> Finally, the United Kingdom withdrew from the EU on 31 January 2020.

In the context of three separate actions brought before the General Court, British citizens residing in the United Kingdom and in various Member States unsuccessfully challenged the Brexit withdrawal agreement and the Council's decision, claiming, inter alia, that those acts had deprived them of rights that they had exercised and acquired as EU citizens. The General Court rejected their actions, by order,<sup>3</sup> as inadmissible.

By three judgments delivered today, the Court of Justice rejects the appeals brought by the British citizens in question against the General Court's orders.

The Court examined of its own motion the question whether those British citizens have an interest in bringing proceedings. In that regard, the Court notes that the decision to withdraw is for the Member State concerned alone to take, in accordance with its constitutional requirements, and therefore depends solely on its sovereign choice. Accordingly, for the British citizens, **the loss of the status of citizen of the European Union, and consequently the loss of the rights attached to that status, is an automatic consequence of the sole sovereign decision taken by the United Kingdom to withdraw from the European Union, and not of the withdrawal agreement or the Council's decision.** The Court concludes that the British citizens do not have an interest in bringing proceedings and that the General Court rightly rejected their actions as inadmissible.

<sup>1</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ 2020, L 29, p. 7).

<sup>2</sup> Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ 2020, L 29, p. 1)

<sup>3</sup> Orders of 8 June 2021, *Shindler and Others v Council*, [T-198/20](#), *Price v Council*, [T-231/20](#) and *Silver and Others v Council*, [T-252/20](#).

**NOTE:** An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The full text of the judgments ([C-499/21 P](#), [C-501/21 P](#) and [C-502/21 P](#)) is published on the CURIA website on the day of delivery.

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