

----- Original Message -----

From: GROW-YOUR-EUROPE-ADVICE@ec.europa.eu

To:

Date: 24/04/2024 12:32 CEST

Subject: Your Europe Advice enquiry 420239

Dear Sir/Madam,

Please find below the reply to your enquiry. Please note that the advice given by Your Europe Advice is an independent advice and cannot be considered to be the opinion of the European Commission, of any other EU institution or its staff nor will this advice be binding upon the European Commission, any other EU or national institution.

Dear Citizen,

Many thanks for your inquiry to Your Europe - Advice, which we may answer as follows:

Unfortunately, you do not mention any specific facts of the case concerned in your inquiry No. 420239 (as in your previous inquiry No. 419760) and we can therefore probably only provide limited information. As an EU legal advice service, we are unfortunately not able to reply to general questions without specific information on the case concerned.

For the purpose of this reply, we assume that your inquiry concerns a UK citizen who is a beneficiary of the Withdrawal Agreement in Austria and therefore entitled to reside in Austria according to Article 10 and 13 of the Withdrawal Agreement.

If such citizen resides in the Federal State of Salzburg (as mentioned in your inquiry), the citizen should not be subject to systematic tuberculosis screening, as Section 1 of the TBC-Reihenuntersuchungsverordnung only concerns non-EU nationals who are long-term EU residents according to Directive 2003/109/EC and who are nationals of a non-European country, with the exemption of Albania and Turkey, former SFR Yugoslavia (other than Slovenia and Croatia) and former Soviet Union (other than Estonia, Lithuania and Latvia).

Based on this provision we consider it impossible that an UK citizen who is in possession of a residence permit "Article 50 TEU" according to the Withdrawal Agreement and who resides in Salzburg is invited to systematic tuberculosis screening.

We would like to draw your attention to the fact that the Ombudsman's Article under the link that you provided in your inquiry concerns Lower Austria and not Salzburg. Section 1 of the TBC-Reihenuntersuchungsverordnung in Lower Austria explicitly exempts UK nationals from the screening, as nationals from the USA, New Zealand, Canada and Australia. Again, based on this provision, UK nationals should not be invited to systematic screening also in Lower Austria, regardless of whether they are beneficiaries of the Withdrawal Agreement or otherwise entitled to reside in Austria.

For further information we recommend that you contact the competent authority, which is the Sanitary Supervision authority of the Federal State where the citizen concerned resides, or the respective district administration (Bezirkshauptmannschaft) or city council (Stadtmagistrat) depending on the residence of the citizen concerned.

Yours sincerely,

Your Europe - Advice

To help us improve our services, we would invite you to complete this short [online survey](#).

To submit another enquiry, please visit [Your Europe Advice](#), but do not reply to this e-mail.

Your original enquiry was:

This is a follow-up question to 419760. Austrian and EU/EEA nationals are currently exempt from Systematic Tuberculosis Screening of immigrants to Austria (regardless of where they have come from). The Volksanwaltschaft also believes that these groups should be excluded based on "This systematic testing of persons from other EU member states who are taking advantage of their right to freedom of movement violates anti-discrimination provisions under EU law". Based on the anti-discrimination provisions in the Withdrawal Agreement (e.g. Article 12 of the WA), do you also believe that Withdrawal Agreement beneficiaries in Austria should be exempt from this testing? For reference, here are the Salzburg regulations and the Volksanwaltschaft findings in 2010.

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=20000190> and <https://volksanwaltschaft.gv.at/artikel/systematic-tb-testing-of-persons-from-new-eu-states>. I believe as this query specifically relates to Withdrawal Agreement beneficiaries rights in the host state, it should be within the scope of YEA. Thank you once again for your assistance!

Yours sincerely,

Your Europe Advice