

Contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the EU

2019/0019(COD) - 30/01/2019 - Legislative proposal

PURPOSE: to protect the rights of citizens regarding social security entitlements in case of a Brexit without a withdrawal agreement.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: a withdrawal agreement was concluded between the Union and the United Kingdom and endorsed by the European Council (Article 50) on 25 November 2018. However, its ratification in the United Kingdom is uncertain. This proposal is part of a package of emergency measures proposed by the Commission to deal with a possible withdrawal from the European Union without the United Kingdom's agreement.

The Commission has consistently made clear that protecting Union citizens in the United Kingdom, as well as United Kingdom nationals in the European Union is a priority. This will require Member States to take a generous approach to the United Kingdom nationals who are already resident in their territory. The expectation is that the United Kingdom acts in the same manner.

As of the withdrawal date, in the event there is no withdrawal agreement concluded between the Union and the United Kingdom, Union law on social security coordination will no longer apply in the relations between the Union and the United Kingdom.

This means that social security entitlements will not be guaranteed for Union citizens who are, or have been subject to the legislation of one or more Member States and in situations involving the United Kingdom (e.g. they worked or resided there while the United Kingdom was a Member State of the Union) and also of the United Kingdom nationals who are or have been subject to the legislation of one or more Member States.

This proposal is necessary to protect the social security entitlements of the persons concerned with regard to facts or events occurring and periods completed before the date of withdrawal of the United Kingdom from the Union in order to mitigate the risks associated with the so-called 'no deal' scenario.

CONTENT: the proposal aims at ensuring that persons who have exercised, as Union citizens, their right to freedom of movement before the withdrawal date maintain their social security entitlements related to facts or events that occurred and periods completed before the withdrawal date.

Other relevant persons in situations involving the United Kingdom before the withdrawal date, should also maintain those entitlements: stateless persons, refugees, as well as family members and survivors of all the previous categories.

Certain core principles of social security coordination as enshrined in Regulation (EC) No 883/2004 on the coordination of social security systems (assimilation, aggregation, equality of treatment), as well as

rules of this Regulation which give practical effect to the implementation of those principles (such as the pro-rata calculation of an old-age pension), should continue to apply in respect of those persons, as regards facts or events that occurred and periods completed before the withdrawal date.

The proposal does not concern rights accrued after 29 March 2019, nor the exportability of cash benefits, the continued provision of sickness benefits in kind and the rules on applicable legislation.

This Regulation shall apply as from the day following that on which the Treaties cease to apply to and in the United Kingdom unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date.