Basic information

2019/0019(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the EU **Subject** 4.10.10 Social protection, social security **Geographical area** United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	HARKIN Marian (ALDE) LAMBERT Jean (Verts /ALE)	07/02/2019 07/02/2019

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3682	2019-03-19

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	THYSSEN Marianne

Key events

Date	Event	Reference	Summary
30/01/2019	Legislative proposal published	COM(2019)0053	Summary
30/01/2019	Committee referral announced in Parliament, 1st reading		
26/02/2019	Vote in committee, 1st reading		
04/03/2019	Committee report tabled for plenary, 1st reading	A8-0161/2019	Summary
13/03/2019	Decision by Parliament, 1st reading	T8-0180/2019	Summary
13/03/2019	Results of vote in Parliament		
19/03/2019	Act adopted by Council after Parliament's 1st reading		
25/03/2019	Final act signed		

27/03/2019	End of procedure in Parliament		
27/03/2019	Final act published in Official Journal		

Technical information

Procedure reference	2019/0019(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 048
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/8/15445

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE634.627	11/02/2019	
Amendments tabled in committee		PE634.790	15/02/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0161/2019	04/03/2019	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0180/2019	13/03/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)001749	22/02/2019	
Draft final act	00062/2019/LEX	25/03/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2019)0053	30/01/2019	Summary
Commission response to text adopted in plenary	SP(2019)393	30/04/2019	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2019)0053	05/03/2019	

Contribution	PT_PARLIAMENT	COM(2019)0053	28/03/2019	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2019/0500 OJ L 085I 27.03.2019, p. 0035	Summary

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

2019/0019(COD) - 27/03/2019 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2019/500 of the European Parliament and of the Council establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the Union

CONTENT: the Regulation aims to ensure 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. These rights relate to periods of insurance, employment, self-employment or residence in the United Kingdom that were completed before the date of application of this Regulation.

In order to successfully safeguard the rights of the persons concerned, the Regulation ensures that Member States shall continue to apply the fundamental principles of EU social security coordination, namely equal treatment, assimilation and aggregation of insurance periods.

The Regulation shall apply to the following persons:

- nationals of a Member State, stateless persons and refugees who are or have been subject to the legislation of one or more Member States and who are or have been in a situation involving the United Kingdom before the date of application of this Regulation, as well as members of their families and survivors;

- nationals of the United Kingdom who are or have been subject to the legislation of one or more Member States before the date of application of this Regulation, as well as members of their families and survivors.

The Regulation is without prejudice to existing conventions and agreements on social security between the United Kingdom and one or more Member States.

One year after the date of application of this Regulation, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. That report shall address, in particular, practical problems arising for the persons concerned, including those arising from the lack of continuity of the coordination of social security systems.

ENTRY INTO FORCE: 28.3.2019. The Regulation shall apply from the day following that on which the Treaties cease to apply to the United Kingdom pursuant to Article 50(3) of the TEU.

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.

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

2019/0019(COD) - 13/03/2019 - Text adopted by Parliament, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report presented jointly by Marian HARKIN (ALDE, IE) and Jean LAMBERT (Greens /EFA, UK) on the proposal for a regulation laying down emergency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union.

The proposal for a Regulation laying down emergency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union aims to mitigate some of the negative impacts of the United Kingdom's withdrawal from the Union in the absence of solutions agreed with the United Kingdom.

It aims to safeguard the social security entitlements of Union citizens with regard to facts or events occurring and periods that were completed prior to the withdrawal date of the United Kingdom from the Union. For other persons concerned (stateless persons, refugees, as well as family members and survivors of all the above-mentioned categories), these rights would also be preserved in such situations.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows:

Entry into force

The Regulation shall ensure that Member States will continue to implement the fundamental principles of social security coordination in the EU laid down in Regulation (EC) No 883/2004, namely equal treatment, assimilation and aggregation of insurance periods.

Relationship between this regulation and other coordination instruments

The rules would not affect existing social security conventions and agreements between the United Kingdom and one or more Member States that comply with Regulation (EC) No 883/2004 and Article 9 of Regulation (EC) No 987/2009.

Moreover, the Regulation would not affect any competence of the Union or the Member States to conclude conventions and agreements on social security with third countries or with the United Kingdom covering the period after the date on which the treaties cease to apply in the United Kingdom.

Members also underlined the importance of ensuring that appropriate information is available in a timely manner to the persons concerned.

Report

One year after the date of application of the regulation, the Commission should report on its application. This report would address in particular the practical problems encountered by the persons concerned, in particular those arising from the lack of continuity in the coordination of social security systems.

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

2019/0019(COD) - 04/03/2019 - Committee report tabled for plenary, 1st reading/single reading

The European Parliament adopted by 652 votes to 8 with 18 abstentions a legislative resolution on the proposal for a regulation laying down emergency measures in the field of social security coordination following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Objective and scope of application

The proposed regulation laying down emergency measures in the field of social security coordination aims to ensure that, in the absence of an agreement on the United Kingdom's withdrawal from the EU, the rights of persons who have exercised, as Union citizens, their right to free movement before the withdrawal from the United Kingdom are protected. It ensures that Member States will continue to implement the fundamental principles of social security coordination in the EU laid down in Regulation (EC) No 883/2004, namely equal treatment, assimilation and aggregation of insurance periods.

The regulation would apply:

- nationals of a Member State, stateless persons and refugees who are or have been subject to the legislation of one or more Member States and who are or have been in a situation involving the United Kingdom before the date of application of the proposed regulation, as well as their family members and survivors;

- United Kingdom nationals who are or have been subject to the legislation of one or more Member States before the date of application of the regulation, as well as their family members and survivors.

Relationship between this regulation and other coordination instruments

The rules:

- would not affect existing social security conventions and agreements between the United Kingdom and one or more Member States that comply with Regulation (EC) No 883/2004 and Article 9 of Regulation (EC) No 987/2009;

- would be without prejudice to the possibility for the Union or the Member States to take measures concerning administrative cooperation and the exchange of information with the competent institutions of the United Kingdom in order to give effect to the principles of the Regulation;

- would not affect any competence of the Union or the Member States to conclude conventions and agreements on social security with third countries or with the United Kingdom covering the period after the date on which the treaties cease to apply in the United Kingdom.

The amended text also underlines the importance of ensuring that appropriate information is available in a timely manner to the persons concerned.

Report

One year after the date of application of the regulation, the Commission should report on its application. This report would address in particular the practical problems encountered by the persons concerned, in particular those arising from the lack of continuity in the coordination of social security systems.

The regulation should enter into force as a matter of urgency on the day following its publication in the Official Journal of the European Union and should apply from the day following the date on which the Treaties cease to apply in the United Kingdom, unless a withdrawal agreement concluded with the United Kingdom has entered into force on that date.