

Second meeting of the Specialised Committee on Social Security Coordination

Brussels/online | EU host | 30 June 2022 | 13:00-15:00 BST / 14:00-16:00 CEST

Minutes

1. Opening remarks and adoption of the agenda

The Co-Chairs welcomed all participants to the hybrid meeting and expressed their appreciation for the mutual collaboration and the progress achieved since the last meeting. They explained their intention to take stock of completed as well as outstanding tasks, while no Specialised Committee Decisions or Recommendations would be adopted. The agenda was adopted without any modification compared to the provisional version.

2. Actions taken since the last Specialised Committee

- Adoption of Decision No 1/2021

The Co-Chairs recalled that Decision No 1/2021 of the Specialised Committee on Social Security Coordination, as regards the amendment of the Annexes to the Protocol on Social Security Coordination, had been adopted by written procedure on 29 October 2021. It entered into force upon its publication by both sides on 1 December 2021.

- Procedure for notifications pursuant to Article SSC.59

The Co-Chairs recalled their agreement by exchange of letters of 21 December 2021 that notifications of national social security legislation pursuant to Article SSC.59(1) and SSC.1(q) of the Protocol would be made annually. To reduce the administrative burden, they agreed to request these concurrently with other declarations Member States are required to make under Article 9 of Regulation (EC) No 883/2004, and using a similar template. The procedure for the reference year 2021 is currently ongoing.

3. Use of the Electronic Exchange of Social Security Information (EESSI)

The EU informed the Specialised Committee about its ongoing internal procedures preceding the adoption of a Specialised Committee Decision pursuant to Article SSCI.4(2) of the Protocol, approving the use of EESSI in the context of the Protocol. These procedures have been launched upon receiving confirmation of the UK's intention to take part in EESSI for the purposes of implementing the Protocol and to bear the related costs. Both co-chairs emphasised the practical importance of EESSI and their commitment to adopting the envisaged Specialised Committee Decision by written procedure as soon as possible.

4. Guidance and Information

- State of Play of transposing relevant AC decisions

The EU recalled the Specialised Committee's previous understanding that, given the similarity between many provisions of the Protocol and the EU Social Security Coordination Regulations, the relevant parts of the Decisions and Recommendations of the Administrative Commission, should be made applicable in the context of the Protocol. This could be achieved by means of a Specialised Committee Recommendation, making the necessary adaptations for the context of the Protocol. The Specialised Committee Secretariat has started working on a draft Recommendation, but further checks and consultations are necessary in this respect.

The UK expressed its agreement with this pragmatic approach and its commitment to continuing the work on the draft Recommendation in technical meetings.

- **Further guidance**

The EU informed the Specialised Committee of work carried out with some social security experts on a paper regarding certain areas of the Protocol in which Member States consider further guidance to be useful. The issues at stake are (1) the scope of the Withdrawal Agreement and the Protocol*, (2) the determination of the applicable social security legislation and (3) invalidity benefits. While the paper could not be shared with the Specialised Committee at this stage yet, the EU underlined that it could possibly form the basis of joint guidance on the implementation of the Protocol

The UK welcomed the idea of further joint guidance, depending on the content, and expressed its interest in seeing the paper and providing its input.

*The UK has published detailed guidance on the scope of the Withdrawal Agreement provisions on Social Security Coordination, which also reflects the Trade and Cooperation Agreement Social Security Protocol. This can be found here:

<https://www.gov.uk/government/publications/social-security-arrangements-between-the-uk-and-the-eu-from-1-january-2021-staff-guide>

5. Financial provisions of the Protocol

- **Procedures to be followed in the Specialised Committee**

The EU communicated that it has been working together with some experts on a reflection paper, which sets out suggestions for the implementation of the financial provision of the Protocol. These concern the reimbursement of the cost of sickness benefits in kind provided by a State other than the competent one (Articles SSCI.47-54). The EU has the intention to share this paper, which could serve as an initial basis for further discussion, with the Specialised Committee as soon as possible.

The UK indicated that a balance needs to be struck between synergies with the Audit Board to avoid duplications and additional burdens, and acknowledgment of the specificities of the Protocol. It is happy with the EU approach to have further discussions at technical level.

- **Exchange rate / interest rate**

As Articles SSCI.53 and 73 of the Protocol foresee that the Specialised Committee should designate a financial institution the reference rate of which would be applied to determine the interest rate/exchange rate for late payments / currency conversions, the EU expressed its preference for designating the European Central Bank for this purpose. This would mean that the same interest/exchange rates would be used as those applied in the context of the EU Social Security Coordination Regulations and would help to avoid complications.

The UK indicated that this issue is currently being deliberated internally in the UK. It is confident to have a decision on this issue soon.

6. Use of forms and documents

The EU explained that among Member States there is a preference to use only one set of Portable Documents for the context of both the EU Regulations (and thus the Withdrawal Agreement) and the Protocol to the Trade and Cooperation Agreement. However, Member States favour minimal adaptations, namely adding a checkbox that would allow a distinction

between Portable Documents issued pursuant to the Regulations and pursuant to the Protocol, as well as adding references to the legal provisions of the Protocol. The EU underlined that in any amendment of Portable Documents, the Administrative Commission would need to be involved, in addition to any procedures to be followed within the Specialised Committee.

The UK highlighted the need to move forward on this issue and the importance of ensuring clarity regarding citizens' rights. The UK expressed a preference for minimising the administrative burden, the use of a checkbox being a potential solution in this respect, and that the chosen approach would need to be agreed by both EU Member States and the UK.

7. Implementation and application of the Protocol: Progress

- Update regarding the provisions on sickness benefits

The EU welcomed the good cooperation in the Secretariat of the Specialised Committee, which has been instrumental in resolving difficulties with the implementation of the Protocol that have arisen.

The UK thanked the EU for its willingness to seek a solution for the issue of the mandatory proof of private sickness insurance required by some Member States in the framework of visa applications by UK citizens. It further shared an update on the reimbursement of the immigration health fee to students: the reimbursement procedure is in place since the end of 2021 and information is available on the gov.uk website. It also pointed to the need to provide clear guidance not only for institutions but also for citizens and employers.

8. AOB

There was no other business to be discussed.

9. Concluding remarks

The Co-Chairs concluded that the meeting had been efficient and that the collaboration between both sides was very constructive. They also highlighted their commitment to continued cooperation in order to resolve any issues in the implementation of the Protocol that might emerge, in the interest of citizens.

Approved by the Joint Secretariat of the Specialised Committee on Social Security Coordination.

Annex: Participants of the second meeting of the Specialised Committee on Social Security Coordination

EU Delegation (33)

- EU co-chair of the Specialised Committee
- European Commission Officials
- Delegation of the European Union to the United Kingdom
- Representatives of EU Member States

UK Delegation (17)

- UK co-chair of the Specialised Committee
- UK Government Officials from DWP, DHSC, HMRC, FCDO
- Scottish Government Officials
- Northern Ireland Executive Officials
- Welsh Government Officials
- UK Mission to the European Union