

Third meeting of the Specialised Committee on Social Security Coordination

London/Online | UK host | 28 June 2023 |

14:00-16:00 BST / 15:00-17:00 CEST

Hybrid Meeting

Minutes

1. Welcome – Co-Chairs

The Co-Chairs welcomed all participants to the hybrid meeting. The agenda reflected the progress both sides had made in advancing the Social Security Coordination provisions of the Trade and Cooperation Agreement (TCA). The Co-Chairs noted this is important to the citizens who are entitled to the benefits covered by the TCA Social Security Coordination Protocol and to the institutions that implement them. They noted that the agenda reflected their joint commitment to a smooth operation of the Protocol, allowing for varied discussions.

The agenda was adopted without any modification.

2. Actions taken since the last Specialised Committee

- Adoption of Decision No 1/2023

The Co-Chairs recalled that Decision No 1/2023 of the Specialised Committee on Social Security Coordination, as regards the UK participation in the Electronic Exchange of Social Security Information (EESSI) system for the purpose of the TCA, was adopted by written procedure on 10 March 2023 and entered into force that same day. This outcome is in the interest of citizens and social security institutions in the UK and EU Member States.

Both Co-Chairs emphasised the efficiency and practical importance of EESSI which allows for better ways of working and cooperation. It is in line with how EU institutions currently exchange social security information and will reduce the administrative burden on the institutions of the states affected and allow for faster and more secure handling of individual cases.

3. Additional Minimum Changes

- Discussion on additional minimum changes to Structured Electronic Documents

The UK noted that since March 2023, the same EESSI structured electronic documents (SEDs) are used for information exchanges under both the Withdrawal Agreement and TCA. The UK and EU have previously agreed to look at the implications of differentiating or not in SEDs between the Withdrawal Agreement and

the Social Security Coordination Protocol, while noting that any such changes should be kept to the minimum necessary. The UK welcomed the EU's constructive engagement on this.

Recognising that it could take considerable time for minimum changes to SEDs to be agreed, the UK is adopting an interim solution in two areas where there is a significant difference between the agreements, as these aspects are not covered by the TCA:

- the conclusion of Article 16 Reg. 883 agreements, and
- the determination of competence to pay family benefits.

In these areas the UK intends to note in free text fields that an information exchange is initiated under the Withdrawal Agreement. The UK believes this is where the case to amend SEDs is the strongest.

The EU Co-Chair noted that EESSI is an IT system, connecting around 3,500 social security institutions of the 27 EU Member States plus Iceland, Liechtenstein, Norway and Switzerland and the United Kingdom. Any alteration to SEDs would not just affect the TCA.

The Co-chairs agreed that the necessary technical work would be carried out in the Administrative Commission (AC) and its EESSI Ad-hoc groups due to their fundamental role in the wider delivery and governance of EESSI, and that any changes to EESSI should only be made following a decision by the AC. The Co-chairs also agreed this Committee should receive regular updates on the progress of technical work and that any changes to EESSI specifically introduced to implement the TCA subsequently also require agreement by this Committee in order for the modified SEDs to be used for the purposes of the TCA.

4. Implementation of Protocol

- **Update on progress of protocol implementation to date**

The Co-Chairs acknowledged the constructive working relationship between the two sides over the past year and the contributions to detailed discussions about Decisions 1/2023 and 2/2023 recorded at the Specialised Committee.

The UK expressed its appreciation for the EU's engagement with regard to questions that had arisen. The regular dialogue between the two sides delivers progress for the items under discussion on the agenda.

- **Update on reciprocal healthcare**

The UK thanked the EU for the progress made since the second Specialised Committee meeting, in particular its cooperation on the issue of private healthcare insurance being requested by some Member States to issue visas for UK-insured UK nationals moving to the EU. This issue is now largely resolved. The UK highlighted the

ongoing work to resolve the outstanding invoices related to COVID quarantine hotels. The UK position is that this does not constitute medically necessary healthcare.

The EU welcomed the UK comments on visa requirements and looks forward to its resolution. The EU noted that the discussions on COVID quarantine hotels are still taking place and feedback will follow through secretariat engagement.

5. Financial provisions of the Protocol

- Adoption of Decision 2/2023

The Co-Chairs signed and adopted Decision No 2/2023 of the Specialised Committee on Social Security Coordination, designating the European Central Bank as the reference financial institution for the determination of interest rates as well as for currency conversion and transposing AC Decision H12 to fix the date on which that currency conversion is made.

Both sides welcomed this Decision which reflects the UK and EU's priority to work towards a consistent approach for Withdrawal Agreement and TCA cases.

- Procedures to be followed for the reimbursement of the cost of sickness benefits

The UK highlighted the good cooperation on the financial provisions and was pleased to have provisional agreement that it can be listed in Annex SSC-3 of the Protocol. It looked forward to working with the EU on a series of decisions by this Specialised Committee to set out the procedure for the reimbursement of health care costs (sickness benefits). These decisions will cover the items set out in the EU non-paper that the UK and the EU have been discussing, and establish the financial processes needed within the Specialised Committee, using synergies with the AC's Audit Board. The UK was also pleased to have provisionally agreed that AC Decision S11 can be transposed as a Specialised Committee decision for the purposes of the Protocol.

The EU appreciated the overall agreement on the way forward but stated that specific details will need to be looked at and carefully considered, such as how to exclude treatments outside the scope of the Protocol from the average costs. This will involve further discussions with the UK. A future decision of the Specialised Committee will provide clarity for these arrangements. The Co-Chairs noted that the secretariats will take this activity forward.

6. Administrative Commission Decisions

- Discussion on transposition of relevant Administrative Commission Decisions

The UK was pleased to have incorporated AC Decision H12 into the text of Decision 2/2023 and agreed to the EU request to prioritise AC Decision S11 as an item to transpose as a Specialised Committee decision. The UK Co-Chair remarked that there are more than 20 AC decisions and recommendations that need transposing, and the UK proposed to prioritise transposition of those recommendations which have most impact on citizens.

The UK is currently working on the text of a recommendation that will transpose AC Decision A2, which relates to detached workers. The UK thanked the EU for prioritising the work on the transposition of this AC Decision.

The EU welcomed the good cooperation in the Secretariat of the Specialised Committee towards this objective. It noted that a way forward had now been agreed along with relevant decisions and the need for prioritisation. It cautioned the Specialised Committee to consider the internal processes that will need undertaking in the EU.

7. Article SSC.59

- Notification of changes to legislation in the UK or Member States

The UK informed the Specialised Committee it has completed its return of Article SSC.59 for the reference year 2021 which will be shared shortly for publication.

The EU noted that the returns for the reference year 2022 are currently underway with the return for reference year 2021 completed and soon to be published in coordination with the UK.

8. Other Specialised Committee Actions

- Amendment to Annexes

The UK informed the Specialised Committee that it intends to be listed in Annex SSC-3 of the Protocol. The UK has decided to allow TCA pensioners holding a UK-issued Portable Document S1 and residing in a Member State to return to the UK to receive healthcare. In due course the UK will make legislative changes to implement their decision. The amendment of Annex SSC-3 will follow the same process as with Decision 1/2021.

The EU remarked that this was a fundamental, regular process of the protocol with requests for updates of various Annexes also received from Member States. It noted the request from the UK and will provide a draft Specialised Committee decision also covering the requests from Member States.

- **Forward look on Portable Documents**

The UK highlighted the need to continue discussions on pragmatic minimal changes to portable documents that are issued to citizens to reflect the Social Security Coordination Protocol, having focused over the last year on EESSI and AC Decisions. The EU agreed that this work should be taken forward and underlined that this approach required the involvement of the AC.

9. Any Other Business

There was no other business to be discussed.

10. Concluding Remarks – Co-Chairs

The Co-Chairs concluded that the meeting had been efficient, the collaboration between both sides very constructive and the adoption of two decisions since the beginning of the year represented significant progress. They also highlighted their commitment to advancing the objectives of the Specialised Committee, ensuring transparency vis-à-vis the EU Member States in order to resolve any issues in the implementation of the Protocol that might emerge.

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

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

UK Delegation (19)

- 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

EU Delegation (32)

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