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EUROPEAN COMMISSION PROPOSES SAFEGUARDING SOCIAL SECURITY RIGHTS IN BREXIT ‘NO DEAL’

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Proposed European Commission contingency measures would safeguard certain social security coordination arrangements for European Union (EU) nationals working in the United Kingdom and UK nationals working in another EU member state. The measures would apply if the UK leaves EU membership on 29 Mar 2019 without having agreed to a transition period – a “no deal” scenario under which EU law would cease to apply in the UK from 30 Mar 2019.

The measures would safeguard the social security coordination rights of people who had exercised their right to free movement before the UK’s withdrawal, such as:

- Periods of social security insurance
- Periods of self-employment or residence in the UK before withdrawal
- Continued application of the core principles of EU social security coordination, including equal treatment, assimilation and aggregation

The export of cash benefits or the continuous provision of sickness benefits in kind, and rules on applicable legislation wouldn’t be covered by the measures.

The proposed regulation must be approved by the European Parliament and the Council of Ministers in time to take effect on 30 Mar 2019. Protection of EU citizens in the UK as well as UK nationals in the EU “is a priority ... [that] will require member states to take a generous approach to the United Kingdom residents who are already resident in their territory. The expectation is that the United Kingdom acts in the same manner,” the proposal says.

EU social security coordination rules protect the social security rights of people and their families moving within the EU, including Iceland, Liechtenstein, Norway and Switzerland, but they don’t replace national systems. The common rules ensure that:

- Individuals are covered by the social security legislation of one country at a time and pay contributions only in one country.
- Individuals have the same rights and obligations as nationals of the country of coverage (known as equal treatment or nondiscrimination).

- Previous periods of insurance, work and residence in other countries are taken into account when claiming a benefit.
- Individuals generally are entitled to receive a cash benefit from one country even if they are living in another country.

RELATED RESOURCES

- [Press Release](#) (European Commission, 30 Jan 2019)
- [List of Legislative Measures to Accompany UK's Departure from EU](#) (European Commission)
- [Information on EU Social Security Coordination](#) (European Commission)

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