

Speaking points by Commissioner Thyssen on Brexit Preparedness in the area of Social Security Entitlements

Ladies and gentlemen,

Free movement of workers is one of the cornerstones of the EU Single Market. And many EU and UK citizens have made a choice to exercise that right. Almost 4 million EU citizens live or work in the UK and 1.3 million UK nationals are living or working in the EU.

It is our collective duty to make sure we respect the life choices and protect the social security rights of those mobile EU and UK citizens.

For the Commission, it has been a clear guiding principle from the beginning that citizens should not pay the price of Brexit and we have been working hard for the best possible protection of citizens' rights.

But let us be clear, this is complex.

The substance matter is complex: Social security coordination consists of a very detailed set of rules built up over a long period of 60 years; different situations of mobile workers, pensioners and students are covered. And even an EU tourist who breaks his leg on Trafalgar square has his health care rights protected by EU law.

And the circumstances are complex, as due to the uncertainty in the UK we inevitably have had to prepare for several possible scenarios: on the one hand we remain deeply convinced that ratifying the Withdrawal Agreement would offer the best possible protection of citizens rights. On the other hand, we have been preparing and we continue to prepare also for a hard Brexit.

The Withdrawal Agreement offers clearly the best possible protection of mobile citizens' rights. It foresees that the EU social security coordination rules and mechanisms will continue to apply during the transitional phase – until the end of 2020 or even 2022 – until a definitive agreement on the future relation is in place.

If the Withdrawal Agreement is ratified, citizens' rights are legally secured in the EU and in the UK.

Conversely, in the absence of a ratified Withdrawal Agreement – this means in case of a “hard Brexit” – there will inevitably be a degree of legal uncertainty.

The Commission is working hard with the other EU institutions and the Member States to minimize the uncertainty.

In the first place, we have put in place a **Contingency Regulation** at EU level

to ensure minimum of protection also in case of hard Brexit. The Contingency Regulation ensures that the periods you have worked as an EU citizen in the UK or as a UK citizen in the EU before Brexit, will be recognized, also after Brexit. This can be relevant for example for your entitlement to an old age pension at the end of your career.

Secondly, we are giving **guidance to Member States** and we are coordinating their unilateral contingency measures. Concretely, we have encouraged Member States to continue providing certain social security rights to those UK and EU citizens who have exercised their free movement rights prior to Brexit.

In particular, we have discussed with Member States that they will continue to allow citizens to export their pension benefits to the UK. And that they will continue to compensate the UK for medical expenses incurred in the UK by EU citizens who legally reside there. When a citizen residing in the UK is undergoing a medical treatment in the EU, that patient will be able to continue his or her treatment. Tomorrow, the Commission will publish a package of guidance documents, including one on citizens' rights where you will find further information on this.

To be noted, however, that the contingency measures do not apply to tourists. We have been advising citizens to take out private health insurance for tourist or business trips to the UK after Brexit.

And this brings me to our third type of contingency measures, we have been informing citizens about their rights: we issued detailed notices, have a free call-in number where people's questions get answered 7 days on 7, in all official EU languages. The free number is 00 800 6 7 8 9 10 11. And we are providing information via our representations in the Member States and via our website.

It must be underlined that – contrary to the Withdrawal Agreement – our contingency measures are unilateral measures. They only cover the rights of EU and UK citizens in the EU27. They do not and cannot cover the rights of EU citizens in the UK. This being said, the UK Government has repeatedly committed politically to equally protect citizens rights in the UK and our representation in London closely follows the preparation of such measures.

Contrary to the Withdrawal Agreement also, the contingency measures do not guarantee a uniform treatment across the EU. Notwithstanding our coordination, each one of the EU27 Member State has its own contingency measures in place and some are more comprehensive than others.

For concrete situations, citizens are therefore well advised to contact the relevant Member State for precise information. The Commission services can help pointing citizens in the right direction.

To conclude: Despite our efforts and precautions, Brexit in a no-deal scenario will have a negative impact on mobile EU and UK citizens. Our contingency measures cannot replace the Withdrawal Agreement.

But let me also be clear, and that is the purpose of our briefings these days

on contingency: we are prepared also for a hard Brexit. Thank you.