2024/2585

1.10.2024

# COUNCIL DECISION (EU) 2024/2585

## of 24 September 2024

## on the position to be adopted on behalf of the European Union within the Specialised Committee on Social Security Coordination established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, as regards the amendment of certain Annexes to the Protocol on Social Security Coordination

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ([1]) (the 'Trade and Cooperation Agreement') was concluded by the Union by means of Council Decision (EU) 2021/689 ([2]) and entered into force on 1 May 2021, having been provisionally applied since 1 January 2021.

(2) Pursuant to Article 778(1) of the Trade and Cooperation Agreement, the Protocols and Annexes to that agreement form an integral part thereof. In accordance with Article 783(3) of the Trade and Cooperation Agreement, as from the date from which that agreement was provisionally applied, references to the date of its entry into force are to be understood as references to the date from which it was provisionally applied.

(3) Article 8(4)(c) of the Trade and Cooperation Agreement empowers the Specialised Committee on Social Security Coordination, established by Article 8(1)(p) of that agreement (the 'Specialised Committee'), to adopt decisions, including amendments, and recommendations in respect of all matters where that agreement so provides. Pursuant to Article SSC.68 of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement (the 'Protocol'), the Specialised Committee may amend the Annexes and Appendices to the Protocol. In accordance with Article 10(1) of the Trade and Cooperation Agreement, the decisions adopted by the Specialised Committee are binding on the Parties.

(4) Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 to the Protocol, insofar as they reflect the national legislation of the Member States and of the United Kingdom, should be updated, to take into account changes to national legislation and to reflect certain choices made by the Member States or the United Kingdom in the implementation of that protocol.

(5) It is appropriate to establish the position to be adopted on the Union's behalf within the Specialised Committee as regards the amendments of Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 to the Protocol, as the envisaged decision will be binding on the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted on behalf of the European Union within the Specialised Committee on Social Security Coordination established by Article 8(1)(p) of the Trade and Cooperation Agreement is set out in the draft decision of the Specialised Committee attached to this Decision.

([1]) OJ L 149, 30.4.2021, p. 10.

([2]) Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 24 September 2024.

*For the Council*
*The President*
BÓKA J.

*DRAFT*

**DECISION NO …/2024 OF THE SPECIALISED COMMITTEE ON SOCIAL SECURITY COORDINATION ESTABLISHED BY ARTICLE 8(1)(P) OF THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART,**

**of …**

**as regards the amendment of certain Annexes to the Protocol on Social Security Coordination**

THE SPECIALISED COMMITTEE ON SOCIAL SECURITY COORDINATION,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ([1]) (the 'Trade and Cooperation Agreement'), and in particular Article SSC.68 of its Protocol on Social Security Coordination,

Whereas:

(1) Pursuant to Article SSC.68 of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement (the 'Protocol'), the Specialised Committee on Social Security Coordination (the 'Specialised Committee') may amend the Annexes and Appendices to the Protocol.

(2) Annexes SSC-1, SSC-3, SSC-4, SSC-5 and SSC-6 to the Protocol, insofar as they reflect the national legislation of the Member States and of the United Kingdom, should be updated, to take into account changes to national legislation and to reflect certain choices made by the Member States or the United Kingdom in the implementation of the Protocol,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex SSC-1 to the Protocol is amended as follows:

(1) Part 1 is amended as follows:

(a) in section '(i) UNITED KINGDOM', the following points are added:

'(j) Child Disability Payment, mobility component (The Disability Assistance for Children and Young People (Scotland) Regulations 2021 (SSI 2021/174))

(k) Adult Disability Payment, mobility component (The Disability Assistance for Working Age People (Scotland) Regulations 2022 (SSI 2022/54))';

(b) section '(ii) MEMBER STATES' is amended as follows:

(i) in the subsection entitled 'GERMANY', point (b) is replaced by the following:

'(b) Citizen's Benefit, basic benefits for jobseekers in accordance with Book II of the Social Code (Leistungen zur Sicherung des Lebensunterhalts der Grundsicherung für Arbeitssuchende (Bürgergeld) nach dem Zweiten Buch Sozialgesetzbuch (SGB II)).';

(ii) the subsection entitled 'PORTUGAL' is amended as follows:

— point (b) is replaced by the following:

'(b) Non-contributory widowhood pension (Regulatory Decree No 52/81 of 11 November 1981 and Regulatory Decree No 92/82 of 30 November 1982);';

— the following point is added:

'(d) The Basic Component and the Supplement of the Social Benefit for Inclusion (Decree-Law No 126-A/2017 of 6 October 2017, amended).';

([1]) OJ L 149, 30.4.2021, p. 10.

(2) Part 2 is amended as follows:

(a) in section '(i) UNITED KINGDOM', the following points are added:

'(h) Carer Support Payment (The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (SSI 2023/302))

(i) Child Disability Payment, care component (The Disability Assistance for Children and Young People (Scotland) Regulations 2021 (SSI 2021/174))

(j) Adult Disability Payment, daily living component (The Disability Assistance for Working Age People (Scotland) Regulations 2022 (SSI 2022/54))';

(b) section '(ii) MEMBER STATES' is amended as follows:

(i) in the subsection entitled 'BELGIUM', points (aa) to (ii) are renumbered and become points (za) to (zi);

(ii) the subsection entitled 'CROATIA' is amended as follows:

— point (a) is replaced by the following:

'(a) Social Welfare Act (Zakon o socijalnoj skrbi):

— Guaranteed minimum benefit (zajamčena minimalna naknada);

— Housing benefit (naknada za troškove stanovanja);

— Assistance for vulnerable energy consumers (naknada za ugroženog kupca energenata);

— One-off assistance payment (jednokratna naknada);

— Personal needs allowance (naknada za osobne potrebe);

— Full-time study allowance (naknada za redovito studiranje);

— Payment of boarding school costs (plaćanje troškova smještaja u učeničkom domu);

— Personal disability allowance (osobna invalidnina);

— Allowance for assistance and care (doplatak za pomoć i njegu);

— Status of parent-caregiver or caregiver (status roditelja njegovatelja ili status njegovatelja);';

— the following points are inserted:

'(aa) Inclusion Allowance Act (Zakon o inkluzivnom dodatku):

— Inclusion allowance for disabled persons (inkluzivni dodatak);

(ab) Labour Market Act (Zakon o tržištu rada):

— Financial assistance for unemployed persons with disabilities (novčana pomoć za nezaposlene osobe s invaliditetom);';

— point (b) is replaced by the following:

'(b) Foster Care Act (Zakon o udomiteljstvu):

— Fostering allowance (opskrbnina);

— Foster care allowance (naknada za rad udomitelja).';

(iii) the subsection entitled 'DENMARK' is amended as follows:

— the following point is inserted:

'(-a) Consolidated Childs Act (Barnets lov):

— Reimbursement of the necessary extra costs of maintaining, in the home, a child or a young person under 18 years of age who has a substantial and permanent physical or mental impairment or who is living with a serious, chronic or long-term condition (Dækning af nødvendige merudgifter ved forsørgelse i hjemmet af et barn eller en ung under 18 år med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse);

— Personal and practical assistance and accompaniment to children who have a substantial and permanent physical or mental impairment (Personlig og praktisk hjælp og ledsagelse til børn med betydelig og varigt nedsat fysisk eller psykisk funktionsevne);

— Compensation for loss of earnings to persons maintaining, in the home, a child or a young person under 18 years who has a substantial and permanent physical or mental function impairment or who is living with a serious, chronic or long-term condition (Dækning af tabt arbejdsfortjeneste til personer, der i hjemmet forsørger et barn eller en ung under 18 år med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig lidelse)';

— points (a), (b) and (c) are replaced by the following:

'(a) Consolidated Act on Social Services (Lov om social service):

— Personal assistance, attention and care to persons who have physical or mental impairment or special social problems (Personlig hjælp, omsorg og pleje til personer med nedsat fysisk eller psykisk funktionsevne eller særlige sociale problemer);

— Accompaniment to persons who have a substantial and permanent physical or mental impairment and support and contact person available to e.g. persons with special social problems (Ledsagelse til voksne med betydelig og varigt nedsat fysisk eller psykisk funktionsevne og støtte- og kontaktperson til bl.a. personer med særlige sociale problemer);

— Reimbursement of any necessary extra costs involved in pursuing daily activities to adults with a permanent physical or mental impairment (Dækning af nødvendige merudgifter ved den daglige livsførelse til voksne med varigt nedsat fysisk eller psykisk funktionsevne);

— Technical aids, assistance for the purchase of consumer durables and for the cost of adapting the homes of persons who have permanent physical or mental impairment (Hjælpemidler, støtte til køb af forbrugsgoder og hjælp til indretning af bolig for personer med varigt nedsat fysisk eller psykisk funktionsevne);

— Employment for a person who demonstrates attachment to the labour market and wishes to care for a connected person with a substantial and permanent physical or mental impairment or a serious, chronic or long-term, including terminal, condition in the home (Ansættelse af en person med tilknytning til arbejdsmarkedet, der ønsker at passe nærtstående med betydelig og varigt nedsat fysisk eller psykisk funktionsevne eller indgribende kronisk eller langvarig, herunder uhelbredelig, lidelse i hjemmet);

— Assistance towards the cost of nursing requisites and similar (Hjælp til sygeplejeartikler og lign.);

— Constant care allowance for a person caring for a connected person who wishes to die in his or her own home (Plejevederlag til personer, som passer en nærtstående, der ønsker at dø i eget hjem);

(b) Consolidated Act on Housing Subsidy (Lov om individuel boligstøtte):

— Subsidy to costs of a dwelling in private housing cooperatives suitable for severely physically disabled persons (Støtte til udgifter til bolig i private andelsboligforeninger, der er egnet for stærkt bevægelseshæmmede);

(c) Consolidated Act on Social Housing (Lov om almene boliger):

— Access for disabled persons to different types of housing governed by the Act (Adgang for handicappede til boligtyper omfattet af loven).';

(iv) the subsection entitled 'THE NETHERLANDS' is replaced by the following:

'NETHERLANDS

Social Support Act 2015 (Wet maatschappelijke ondersteuning, WMO) of 9 July 2014 and the Youth Act 2015 (Jeugdwet) of 18 February 2014.';

(v) the subsection entitled 'PORTUGAL' is replaced by the following:

'PORTUGAL

Social insurance and guaranteeing sufficient resources:

(a) Dependency Supplement: Decree-Law No 265/99 of 14 July 1999, amended (complemento por dependência).

(b) Dependency Supplement under the special protection system in case of disability: Act No 90/2009 of 31 August 2009, amended (regime especial de proteção na invalidez).

Social security system and National Health Service:

(c) National network for integrated continuous care: Decree-Law No 101/06 of 6 June 2006, amended (rede nacional de cuidados continuados integrados).

(d) Integrated continuous care in mental health: Decree-Law No 8/2010 of 28 January 2010 on the creation of units and teams for integrated continuous care in mental health, amended (unidades e equipas de cuidados continuados integrados de saúde mental).

(e) Pediatric Care (National Network for Integrated Continuous Care): Decree order No 343/2015 of 12 October 2015 on standards governing hospital and ambulatory paediatric care within the framework of the national network for integrated continuous care, amended (condições de instalação e funcionamento das unidades de internamento de cuidados integrados e de ambulatório pediátricas da Rede Nacional de Cuidados Continuados Integrados).

(f) Informal Carer (allowance): Act No 100/2019 of 6 September 2019 on the status of informal carer, amended by Act No 20/2024 of 8 February 2024, and Regulatory Decree No 1/2022 of 10 January 2022 (Estatuto do cuidador informal).'.

*Article 2*

Annex SSC-3 to the Protocol is amended as follows:

(1) 'SLOVAKIA' is inserted after 'ROMANIA';

(2) 'UNITED KINGDOM' is inserted after 'SWEDEN'.

*Article 3*

Annex SSC-4 to the Protocol is amended as follows:

(1) In Part 1, the section entitled 'LITHUANIA' is replaced by the following:

'LITHUANIA

All applications for social insurance widow's / widower's pensions calculated on the basis of the basic amount of widow's / widower's pension (Law on Social Insurance Pensions).';

(2) In Part 2, the section entitled 'PORTUGAL' is replaced by the following:

'PORTUGAL

Supplementary pensions granted pursuant to Decree-Law No 26/2008 of 22 February 2008, amended by Decree-Law No 9/2023 of 1 February 2023 (public capitalisation scheme).'.

*Article 4*

In Annex SSC-5 to the Protocol, Part II, the section entitled 'LITHUANIA' is replaced by the following:

'LITHUANIA

(a) Social insurance work incapacity pensions, paid under the Law on Social Insurance Pensions

(b) Social insurance widow's / widower's and orphans' pensions, calculated on the basis of the work incapacity pension of the deceased person under the Law on Social Insurance Pensions'.

*Article 5*

Annex SSC-6 to the Protocol is amended as follows:

(1) In the section entitled 'GERMANY', the following paragraph is added:

'9. In the cases referred to in Article SSC.39, for the determination of the amount of invalidity benefits under the German legislation, the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.';

(2) The following section is inserted after the section entitled 'IRELAND':

'LUXEMBOURG

In the cases referred to in Article SSC.39, for the determination of the amount of invalidity benefits under the Luxembourg legislation, the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.';

(3) The section entitled 'MALTA' is replaced by the following:

'MALTA

1. Special provisions for civil servants

(a) Solely for the purposes of the application of Articles SSC.43 and SSC.55 of this Protocol, persons employed under the Malta Armed Forces Act (Chapter 220 of the Laws of Malta), the Police Act (Chapter 164 of the Laws of Malta), the Prisons Act (Chapter 260 of the Laws of Malta) and the Civil Protection Act (Chapter 411 of the Laws of Malta) shall be treated as civil servants.

(b) Pensions payable under the above Acts and under the Pensions Ordinance (Chapter 93 of the Laws of Malta) shall, solely for the purposes of point (cc) of Article SSC.1 of this Protocol, be considered as "special schemes for civil servants".

2. In the cases referred to in Article SSC.39, for the determination of the amount of invalidity benefits under the Social Security Act (Chapter 318 of the Laws of Malta), the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.';

(4) The following section is inserted after the section entitled 'NETHERLANDS':

'SLOVENIA

In the cases referred to in Article SSC.39, for the determination of the amount of invalidity benefits under the Slovenian legislation, the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.';

(5) In the section entitled 'SPAIN' the following paragraph is added:

'5. In the cases referred to in Article SSC.39, for the determination of the amount of invalidity benefits according to the General Social Security Act (Legislative Royal Decree 8/2015) and the consolidated text of the Civil Service Pensions Act (Ley de Clases Pasivas) (Legislative Royal Decree 670/1987), the provisions of Chapter 5 of the Protocol shall apply *mutatis mutandis*.'.

*Article 6*

This Decision shall enter into force on the day of its publication.

Done at …, …

*For the Specialised Committee on Social Security Coordination*

*The Co-chairs*