



EUROPEAN
COMMISSION

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ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

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 adoption of a decision to amend Annex SSC-7 to the Protocol on Social Security Coordination

DRAFT

DECISION No [...] /2026 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 [date]

as regards the amendment of Annex SSC-7 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 part¹ (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) Annex SSC-7 to the Protocol should be amended to introduce a new Article SSCI.17a, to provide for the possibility for Member States and the United Kingdom to conclude agreements to derogate, only in a limited set of pre-defined situations in specific individual cases and in the interest of the persons concerned, from the rules on applicable legislation pursuant to the Protocol. The new Article SSCI.17a would list exhaustively possible situations for derogations.

HAS ADOPTED THIS DECISION:

Article 1

After Article SSCI.17 (Cooperation between institutions) of Annex SSC-7 (Implementing Part) to the Protocol, the following new article is inserted:

“Article SSCI.17a

Cooperation between institutions in the interest of the persons concerned

1. Two or more States, the competent authorities of these States or the bodies designated by these authorities may by common agreement provide for exceptions to Articles SSC.10 to SSC.12 of this Protocol in the interest of certain persons or categories of persons in the following situations:

(a) to exceed the maximum period of detachment established in Article SSC.11(1) of this Protocol by up to twelve months in one of the following situations:

(i) in exceptional circumstances which could not have been anticipated at the beginning of the detachment;

¹ OJ L 149, 30.4.2021, p. 10.

(ii) where a change of applicable legislation would have adverse effects on the pension rights of the person concerned;

(iii) in case of intra-corporate transfers of managers and specialists within the meaning of Article 141 of this Agreement.

(b) to avoid a change of applicable legislation where it would have detrimental effects because of the health situation of the person concerned or a member of their family.

(c) where the application of Articles SSC.10 to SSC.12 of this Protocol would, with regard to the individual situation of the person concerned, produce anomalous, unfair or unjust outcomes.

(d) to regularise, with regard to the individual situation of the person concerned, situations where the applicable legislation was incorrectly determined and where retroactive changes to the legislation applicable would be detrimental to the person or category of persons concerned.

The exceptions under points (b) and (c) shall not be used as a means solely to extend the period of detachment of the person concerned.

2. A request by the employer or the person concerned for exceptions to Articles SSC.10 to SSC.12 of this Protocol shall be submitted to the competent authority or the body designated by the authority of the State whose legislation the employer or person concerned requests be applied.

3. The competent institution of the State whose legislation is applicable pursuant to this Article shall provide to the person concerned an attestation that such State's legislation is applicable to them and shall indicate during which period and under what conditions that legislation applies to the person concerned.

4. The competent authorities shall compile statistics on the application of paragraph 1 of this Article and forward them to the Secretariat of the Specialised Committee on Social Security Coordination at the end of each reference year."

Article 2

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

Done at Brussels and London,

For the Specialised Committee on Social Security Coordination

Antoine KASEL

[Name of new DWP Director]