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Ressort: Politik

Brexit and German social security

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Ger-many's social insur-ance sys-tem is prepar-ing for different sce-nar-ios concerning Brexit and has pub-lished infor-ma-tion for insured per-sons, employ-ers, work-ers and ser-vice providers.

It is certainly a Political dilemma because on 15 Jan-u-ary 2019, the UK's House of Rep-re-sen-ta-tives rejected the Brexit agree-ment nego-ti-ated with the Euro-pean Union by a large major-ity.

The ref-er-en-dum in June 2016, in which a small major-ity of UK cit-i-zens voted in favour of the UK leav-ing the EU, and the UK for-mally invok-ing Arti-cle 50 on 29 March 2017 was the tremendous precedent of international law. UK politi-cians are yet to find a new solu-tion to the Brexit dilemma.

The var-i-ous branches of Ger-many's social insur-ance sys-tem have pub-lished infor-ma-tion on the var-i-ous sce-nar-ios.
In case of the withdrawal agreement being accepted, the Reg-u-la-tions on the coor-di-na-tion of social secu-rity sys-tems, namely Reg-u-la-tions (EC) No 883/ 2004, (EC) No 987/ 2009 and (EC) No 859/ 2003, together with (EEC) No 1408/ 71 would be applied for a tran-si-tional period until 31 Decem-ber 2020.

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There'll be the necessity after this period to negotiate new reg-u-la-tions.
Fol-low-ing the British Par-lia-men-t's rejec-tion of the with-drawal agree-ment, this option will only be con-sid-ered through rene-go-ti-a-tion and resub-mis-sion to the par-lia-ments in Lon-don and Brus-sels.

If there will be a no-deal Brexit, the Ger-man-British Social Secu-rity Agree-ment of 20 April 1960 between the Fed-eral Repub-lic of Ger-many and the United King-dom might be applic-a-ble once more from 30 March 2019, because the above mentioned reg-u-la-tions will cease to apply to the United King-dom from that date. This agree-ment is not as com-pre-hen-sive as the reg-u-la-tions men-tioned above. For exam-ple, it does not cover unem-ploy-ment and long-term care insur-ance.
In the event of a no-deal-Brexit, the Fed-eral Gov-ern-ment has sub-mit-ted a draft 'Act on tran-si-tional

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arrange-ments in the areas of employ-ment, edu-ca-tion, health, social affairs and cit-i-zen-ship fol-low-ing the with-drawal of the

United King-dom of Great Britain and North-ern Ire-land from the Euro-pean Union' (Brex-it-SozSichÜG). The rel-e-vant par-lia-men-tary pro-ce-dure could be com-pleted before 29 March 2019, with the result that, fol-low-ing a no-deal exit from the EU, there will be a tran-si-tional period of legal cer-tainty in terms of insur-ance sta-tus and ben-e-fit enti-tle-ments for all branches of insur-ance.
The draft Act states, for exam-ple, that pen-sions which com-menced prior to Brexit will con-tinue to be paid at their cur-rent level and British insur-ance peri-ods will con-tinue to be taken into account when deter-min-ing pen-sion enti-tle-ments. How-ever, the reg-u-la-tions do not apply to per-sons who take up employ-ment in the UK or

Ger-many after Brexit.

Extending the deadline for the with-drawal on 29 March 2019 would only be pos-si-ble with the approval of the 27 remain-ing EU Mem-ber States and for com-pelling rea-sons, such as a sec-ond ref-er-en-dum or a new gen-eral elec-tion.

At last, the United King-dom could decide to uni-lat-er-ally can-cel its Arti-cle 50 let-ter and stay in the Euro-pean Union with-out the con-sent of the other Mem-ber States (No Brexit), unless a with-drawal agree-ment has already entered into force by then. This was decided by the Euro-pean Court of Jus-tice on 10 Decem-ber 2018 in its judg-ment C-621/ 18. How-ever, this is cur-rently not the case because there is not polit-i-cal back-ing for it.

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