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Ressort: Politik

### Brexit and German social security

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Germany's social insurance system is preparing for different scenarios concerning Brexit and has published information for insured persons, employers, workers and service providers.

It is certainly a Political dilemma because on 15 January 2019, the UK's House of Representatives rejected the Brexit agreement negotiated with the European Union by a large majority.

The referendum in June 2016, in which a small majority of UK citizens voted in favour of the UK leaving the EU, and the UK formally invoking Article 50 on 29 March 2017 was the tremendous precedent of international law. UK politicians are yet to find a new solution to the Brexit dilemma.

The various branches of Germany's social insurance system have published information on the various scenarios.

In case of the withdrawal agreement being accepted, the Regulations on the coordination of social security systems, namely Regulations (EC) No 883/ 2004, (EC) No 987/ 2009 and (EC) No 859/ 2003, together with (EEC) No 1408/ 71 would be applied for a transitional period until 31 December 2020.

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There'll be the necessity after this period to negotiate new regulations.

Following the British Parliament's rejection of the withdrawal agreement, this option will only be considered through renegotiation and resubmission to the parliaments in London and Brussels.

If there will be a no-deal Brexit, the German-British Social Security Agreement of 20 April 1960 between the Federal Republic of Germany and the United Kingdom might be applicable once more from 30 March 2019, because the above mentioned regulations will cease to apply to the United Kingdom from that date. This agreement is not as comprehensive as the regulations mentioned above. For example, it does not cover unemployment and long-term care insurance.

In the event of a no-deal-Brexit, the Federal Government has submitted a draft 'Act on transitional

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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.

Bericht online lesen: [https://schulz.en-a.de/politik/brexit\\_and\\_german\\_social\\_security-73417/](https://schulz.en-a.de/politik/brexit_and_german_social_security-73417/)

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