Council of the
European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the position to be adopted , on behalf of the European Union, within the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the amendment to Annex II to that Agreement on the coordination of social security schemes

COUNCIL DECISION (EU) 2020/…

of …

on the position to be adopted , on behalf of the European Union, within the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the amendment to Annex II to that Agreement on the coordination of social security schemes

(Text with EEA relevance)

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 Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation[1], and in particular Article 2 thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 114, 30.4.2002, p. 1.

Whereas:

(1) The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons[1] ('the Agreement') entered into force on 1 June 2002.

(2) Pursuant to Article 18 of the Agreement, the Joint Committee may decide to amend Annex II to the Agreement.

(3) The Agreement ceases to apply to the United Kingdom of Great Britain and Northern Ireland ('United Kingdom') as a consequence of the United Kingdom's withdrawal from the European Union.

(4) Pursuant to Article 23 of the Agreement, rights acquired by private individuals are not to be affected in the event of termination of the Agreement and the Contracting Parties are to settle by mutual agreement what action is to be taken in respect of rights in the process of being acquired.

[1] OJ L 114, 30.4.2002, p. 6.

(5) It is therefore necessary to provide reciprocal protection of social security rights for United Kingdom nationals, as well as their family members and survivors, who, by the end of the transition period, as defined in Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community[1], are or have been in a cross-border situation involving one or more of the Contracting Parties to the Agreement and the United Kingdom at the same time, by amending Annex II to the Agreement.

(6) The position of the Union within the Joint Committee should therefore be based on the draft decision of the Joint Committee,

HAS ADOPTED THIS DECISION:

[1] OJ L 29, 31.1.2020, p. 7.

Article 1

The position to be adopted, on behalf of the European Union, within the Joint Committee as regards the proposed amendment to Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, on the coordination of social security schemes, shall be based on the draft decision of the Joint Committee[1].

Article 2

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

Done at Brussels,

For the Council
The President

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[1] See document ST 12965/20 at http://register.consilium.europa.eu.