



Council of the  
European Union

Brussels, 28 May 2024  
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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken 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 recommendation providing further guidance on the implementation of the Protocol on Social Security Coordination to that Agreement concerning the interpretation of Article SSC.11 of that Protocol on the legislation applicable to detached workers and self-employed persons temporarily working outside the competent State

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**COUNCIL DECISION (EU) 2024/...**

of ...

**on the position to be taken 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 recommendation providing further guidance  
on the implementation of the Protocol on Social Security Coordination  
to that Agreement concerning the interpretation of Article SSC.11  
of that Protocol on the legislation applicable to detached workers  
and self-employed persons temporarily working outside the competent State**

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<sup>1</sup> (the ‘Trade and Cooperation Agreement’) was concluded by the Union by means of Council Decision (EU) 2021/689<sup>2</sup> 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. Pursuant to 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.

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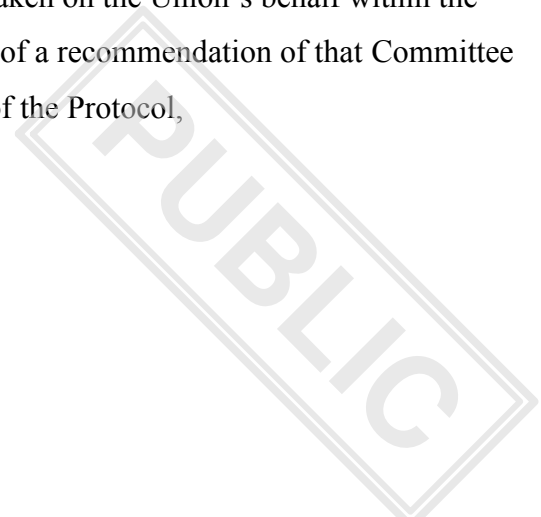
<sup>1</sup> OJ L 149, 30.4.2021, p. 10.

<sup>2</sup> 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).

- (3) Article 8(4), point (c), of the Trade and Cooperation Agreement empowers the Specialised Committee on Social Security Coordination established by Article 8(1), point (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 SSCI.74 of Annex SSC-7 to the Protocol on Social Security Coordination to the Trade and Cooperation Agreement (the ‘Protocol’), the Specialised Committee is able to adopt further guidance on the implementation of the Protocol and Annex SSC-7 thereto. Pursuant to Article 10(1) of the Trade and Cooperation Agreement, the recommendations adopted by the Specialised Committee have no binding force.
- (4) Article SSC.11(1) of the Protocol, which provides for a derogation from the general rule laid down in Article SSC.10(3), point (a), of the Protocol, aims in particular to avoid, for workers, employers and social security institutions, the administrative complications which would result from the application of the general rule laid down in Article SSC.10(3), point (a), of the Protocol where the period of employment is of short duration in a State other than the State in which the undertaking sending the worker has its registered office or a place of business or the State in which the self-employed person normally pursues his or her activity.
- (5) In order to ensure legal certainty and equal conditions for workers and employers established in a Member State or in the United Kingdom, it is important that the conditions for this derogation to apply be understood in a uniform way. Thus, it is useful for the Specialised Committee to adopt further guidance on Article SSC.11.

- (6) It is appropriate to establish the position to be taken on the Union's behalf within the Specialised Committee as regards the adoption of a recommendation of that Committee providing further guidance on Article SSC.11 of the Protocol,

HAS ADOPTED THIS DECISION:



*Article 1*

The position to be taken on behalf of the European Union within the Specialised Committee is set out in the draft Recommendation of the Specialised Committee attached to this Decision.

*Article 2*

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

Done at ..., ...

*For the Council*

*The President*

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