Council Decision (EU) 2020/2135 of 10 December 2020 on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment to Annex VI (Social Security) to the EEA Agreement (Text with EEA relevance)

COUNCIL DECISION (EU) 2020/2135

of 10 December 2020

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee, concerning the amendment to Annex VI (Social Security) to the EEA Agreement

(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 Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area[(1)], and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on the European Economic Area[(2)] ('the EEA Agreement') entered into force on 1 January 1994.

(2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend Annex VI to the EEA Agreement, which contains provisions on social security.

(3) Article 33 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[(3)] ('Withdrawal Agreement') states that the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation provided that those countries have concluded and apply corresponding agreements with the United Kingdom which apply to Union citizens, as well as with the Union which apply to the United Kingdom nationals.

(4) Article 32 of the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom's membership of the European Union ('Separation Agreement') states that the provisions of Title III of Part Two of the Separation Agreement shall apply to Union citizens, provided that the

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/2135. (See end of Document for details)*

Union has concluded and applies corresponding agreements with the United Kingdom which apply to EEA EFTA nationals, as well as with the EEA EFTA States which apply to United Kingdom nationals.

(5) It is therefore necessary to provide reciprocal protection of social security rights for United Kingdom nationals, stateless persons and refugees, as well as their family members and survivors who, by the end of the transition period, as defined in Article 126 of the Withdrawal Agreement, are or have been in a cross-border situation involving one or more of the Contracting Parties to the EEA Agreement and the United Kingdom at the same time.

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

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the Union within the EEA Joint Committee on the proposed amendment to Annex VI (Social Security) to the EEA Agreement shall be based on the draft decision of the EEA Joint Committee[(4)].

Article 2

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

Done at Brussels, 10 December 2020.

For the Council

The President

M. ROTH