

**COUNCIL DECISION (EU) 2023/310****of 6 February 2023**

**on the position to be taken on behalf of the European Union within the Specialised Committee on Social Security Coordination established under 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 use of the Electronic Exchange of Social Security Information for the transmission of data between institutions or liaison bodies**

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. In accordance with 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.
- (3) Article 8(4)(c) of the Trade and Cooperation Agreement empowers the Specialised Committee on Social Security Coordination (the 'Specialised Committee') to adopt decisions, including amendments, and recommendations in respect of all matters where that agreement so provides. In accordance with Article 10 of the Trade and Cooperation Agreement, the decisions adopted by a committee are binding on the Parties.
- (4) Pursuant to Article SSCI.71(4) of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement (the 'Protocol on Social Security Coordination'), for the purposes of implementing that protocol, the United Kingdom may take part in the Electronic Exchange of Social Security Information and bear the related costs.
- (5) Pursuant to Article SSCI.4(2) of the Protocol on Social Security Coordination, the transmission of data between the institutions or the liaison bodies of the Member States and the United Kingdom may, subject to the approval of the Specialised Committee, be carried out via the Electronic Exchange of Social Security Information. To the extent forms and documents are exchanged via the Electronic Exchange of Social Security Information, they are to respect the rules applicable to the Electronic Exchange of Social Security Information.

<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).

- (6) The use of the Electronic Exchange of Social Security Information for the purposes of implementing the Protocol on Social Security Coordination would be beneficial for the Member States and the United Kingdom, social security institutions and persons moving between the European Union and the United Kingdom, as it would ensure a more rapid, accurate and secure exchange of social security information under the Protocol on Social Security Coordination. The Specialised Committee should therefore adopt a decision to approve the transmission of data via the Electronic Exchange of Social Security Information.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee, as the envisaged decision will be binding on the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the European Union within the Specialised Committee on Social Security Coordination established by Article 8(1)(p) of the Trade and Cooperation Agreement is set out in the draft decision of the Specialised Committee attached to this Decision.

*Article 2*

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

Done at Brussels, 6 February 2023.

*For the Council*  
*The President*  
J. ROSWALL

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## DRAFT

**DECISION No .../2023 OF THE SPECIALISED COMMITTEE ON SOCIAL SECURITY COORDINATION ESTABLISHED BY ARTICLE 8(1)(p) 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,****of ...****as regards the use of the Electronic Exchange of Social Security Information for the transmission of data between institutions or liaison bodies**

THE SPECIALISED COMMITTEE ON SOCIAL SECURITY COORDINATION,

Having regard to 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'), and in particular Article SSCI.4(2) of its Protocol on Social Security Coordination,

Whereas:

- (1) Pursuant to Article SSCI.71(4) of the Protocol on Social Security Coordination to the Trade and Cooperation Agreement (the 'Protocol on Social Security Coordination'), for the purposes of implementing that protocol, the United Kingdom may take part in the Electronic Exchange of Social Security Information and bear the related costs.
- (2) Pursuant to Article SSCI.4(2) of the Protocol on Social Security Coordination, the transmission of data between the institutions or the liaison bodies of the Member States and the United Kingdom may, subject to the approval of the Specialised Committee on Social Security Coordination, be carried out via the Electronic Exchange of Social Security Information. To the extent forms and documents are exchanged via the Electronic Exchange of Social Security Information, they are to respect the rules applicable to the Electronic Exchange of Social Security Information.
- (3) The use of the Electronic Exchange of Social Security Information for the purposes of implementing the Protocol on Social Security Coordination would be beneficial for the Member States and the United Kingdom, social security institutions, and persons moving between the European Union and the United Kingdom, as it would ensure a more rapid, accurate and secure exchange of social security information under the Protocol on Social Security Coordination. The Specialised Committee on Social Security Coordination should therefore adopt a decision to approve the transmission of data via the Electronic Exchange of Social Security Information.
- (4) The Specialised Committee on Social Security Coordination notes that, whilst the rules on social security coordination laid down in 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 <sup>(2)</sup> are legally separate from those laid down in the Trade and Cooperation Agreement, Article 34(2) of the former agreement provides that the United Kingdom is to take part in the Electronic Exchange of Social Security Information (EESSI) and bear the related costs,

HAS ADOPTED THIS DECISION:

*Article 1*

The transmission of data between the institutions or the liaison bodies of the Member States and the United Kingdom shall be carried out via the Electronic Exchange of Social Security Information. This is without prejudice to exceptional and objectively justified situations.

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

<sup>(2)</sup> OJ EU L 29, 31.1.2020, p. 7.

*Article 2*

The United Kingdom shall bear the related costs which arise from its participation in the Electronic Exchange of Social Security Information pursuant to Article SSCI.71(4) of the Protocol on Social Security Coordination.

*Article 3*

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

Done at ...,

*For the Specialised Committee on Social Security  
Coordination  
The Co-chairs*

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