



Council of the  
European Union

Brussels, 15 December 2020  
(OR. en)

13533/20

---

**Interinstitutional File:**  
2020/0344 (NLE)

---

UK 90

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

---

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by 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 as regards the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation

---

**COUNCIL DECISION (EU) 2020/...**

**of ...**

**on the position to be taken on behalf of the European Union within the Joint Committee established by 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 as regards the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 50(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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>1</sup> (the 'Withdrawal Agreement') was concluded by Council Decision (EU) 2020/135<sup>2</sup> and entered into force on 1 February 2020.
- (2) Pursuant to Article 33(1) of the Withdrawal Agreement, the provisions of Title III of Part Two of the Withdrawal Agreement, on the coordination of the social security systems, which are applicable to Union citizens, are to apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation provided that those States have concluded and apply corresponding agreements ('corresponding agreements'), on the one hand with the United Kingdom which apply to Union citizens and, on the other hand with the Union which apply to United Kingdom nationals.
- (3) Pursuant to Article 33(2) of the Withdrawal Agreement, upon notification from the United Kingdom and from the Union of the date of entry into force of the corresponding agreements, the Joint Committee established under Article 164(1) of the Withdrawal Agreement (the 'Joint Committee') is to set the date from which the provisions of Title III of Part Two of the Withdrawal Agreement are to apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation, as applicable.

---

<sup>1</sup> OJ L 29, 31.1.2020, p. 7.

<sup>2</sup> Council Decision (EU) 2020/135 of 30 January 2020 on the conclusion 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 (OJ L 29, 31.1.2020, p. 1).

- (4) The Union has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway<sup>1+</sup> and with the Swiss Confederation<sup>2++</sup> which apply to United Kingdom nationals. The United Kingdom has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway<sup>3</sup> and with the Swiss Confederation<sup>4</sup> which apply to Union citizens.

---

<sup>1</sup> Decision No ... of ... of the EEA Joint Committee amending Annex VI (Social Security) to the EEA Agreement (OJ L, ..., p. ...).

<sup>+</sup> OJ: please complete the corresponding footnote.

<sup>2</sup> Decision No .../... of 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 of ... amending Annex II to that Agreement on the coordination of social security schemes (OJ L, ..., p. ...).

<sup>++</sup> OJ: please complete the corresponding footnote.

<sup>3</sup> 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, signed in London on 28 January 2020.

<sup>4</sup> Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement, signed in Bern on 25 February 2019.

- (5) In view of the envisaged date of entry into force of the corresponding agreements and in order to avoid any gap in the protection of the nationals concerned after the end of the transition period as defined in Article 126 of the Withdrawal Agreement, the date from which the provisions of Title III of Part Two of the Withdrawal Agreement are to apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation should be 1 January 2021.
- (6) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee, upon notification from the United Kingdom and from the Union of the date of entry into force of their respective corresponding agreements, as regards the date from which the provisions of Title III of Part Two of the Withdrawal Agreement are to apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation.
- (7) In order to allow for the prompt application of the measures provided for in this Decision, this Decision should enter into force on the date of its adoption,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Joint Committee established by Article 164(1) of the Withdrawal Agreement, as regards a decision to be taken in accordance with Article 33(2) thereof, shall be based on the draft decision of the Joint Committee attached to this Decision.

*Article 2*

The decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

*Article 3*

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

Done at Brussels,

*For the Council*

*The President*

---

DRAFT

**DECISION No .../2020 OF THE JOINT COMMITTEE  
ESTABLISHED BY 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**

**of ...**

**setting the date from which the provisions of Title III of Part Two of the Agreement  
shall apply to the nationals of Iceland, the Principality of Liechtenstein,  
the Kingdom of Norway, and the Swiss Confederation**

THE JOINT COMMITTEE,

Having regard to 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>1</sup> (the 'Withdrawal Agreement'), and in particular Article 33(2) thereof,

---

<sup>1</sup> OJ L 29, 31.1.2020, p. 7.

Whereas:

- (1) Pursuant to Article 33(1) of the Withdrawal Agreement, the provisions of Title III of Part Two of the Agreement on the coordination of the social security systems, applicable to Union citizens, shall apply to nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation provided that these states have concluded and apply corresponding agreements, on the one hand, with the United Kingdom which apply to Union citizens and, on the other hand, with the Union which apply to United Kingdom nationals.
- (2) Pursuant to Article 33(2) of the Withdrawal Agreement, upon notification from the United Kingdom and from the Union of the date of entry into force of these agreements, the Joint Committee shall set the date from which the provisions of Title III of Part Two of the Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation, as applicable.



- (3) The Union has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway<sup>1</sup> and with the Swiss Confederation<sup>2</sup> which apply to United Kingdom nationals. The United Kingdom has concluded corresponding agreements with Iceland, the Principality of Liechtenstein and the Kingdom of Norway<sup>3</sup> and with the Swiss Confederation<sup>4</sup> which apply to Union citizens.
- (4) In view of the notifications from the United Kingdom and from the Union of the date of entry into force of the agreements referred to in recital (3), the date from which the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation, should be 1 January 2021,

HAS ADOPTED THIS DECISION:

---

<sup>1</sup> Decision No [...] of [...] of the EEA Joint Committee amending Annex VI (Social Security) to the EEA Agreement.

<sup>2</sup> Decision No .../... of 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 of [...] amending Annex II to that Agreement on the coordination of social security schemes.

<sup>3</sup> 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 signed in London on 28 January 2020.

<sup>4</sup> Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Citizens' Rights following the Withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement signed in Bern on 25 February 2019.

*Article 1*

The date from which the provisions of Title III of Part Two of the Withdrawal Agreement shall apply to the nationals of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, and the Swiss Confederation shall be 1 January 2021.

*Article 2*

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

Done at ...,

*For the Joint Committee  
The Co-chairs*

---