



MINISTÈRE
DES SOLIDARITÉS
ET DE LA SANTÉ

*Liberté
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BREXIT

The transition period ends on
December 31, 2020

Press kit

December 14th, 2020

FOREWORD

On December 31, 2020, the transition period instituted by the withdrawal agreement between the European Union and the United Kingdom will come to an end. This means that Brexit will come fully into effect on January 1st, 2021.

With regard to social security rights, a mechanism has been set up to safeguard pre-existing entitlements. It will be rolled out whatever the result of the ongoing negotiations on the future relationship and covers various types of circumstances.

First of all, for EU citizens working or residing in the United Kingdom on December 31, 2020, and for UK citizens settled in France on that date, the effects of any pre-existing entitlements will be maintained beyond the transition period:

- To provide an example, entitlements will be maintained for UK pensioners residing in France as well as for French cross-border workers working in the United Kingdom, provided that their cross-border mobility circumstances date back to before December 31, 2020, and continue after that date (circumstance no. 1). This means that UK pensioners will continue to draw their UK retirement pension in France and their health care expenses will be covered with no change by the French scheme on behalf of the United Kingdom. French cross-border workers will continue to belong to the UK social security system.
- Entitlements will be maintained for temporary cross-border mobility circumstances which began prior to December 31, 2020 (circumstance no. 2). This can apply to a French worker posted to the United Kingdom or to a UK tourist during a temporary stay in France. In these cases, entitlements will be maintained through the end of the posting or holiday travel circumstances;
- Family benefit entitlements will also be maintained. For example, assuming that their circumstances remain the same, a family who, on December 31, 2020, is residing in the United Kingdom while one member of the couple is working in France and the other member of the couple is not employed will continue to draw French family benefits. Likewise, a family who, on December 31, 2020, is residing in France while one member of the couple is working in the United Kingdom and the other member of the couple is not employed will continue to draw UK family benefits. And if applicable, France will continue to pay a supplement on top of the UK family benefit entitlement.

In addition, certain social security coordination mechanisms will apply to individuals who are no longer engaging in mobility on December 31, 2020, but have accrued entitlements under previous mobility circumstances (circumstance No. 3):

- This means that the pension aggregation and proration rules will apply to an individual who worked in the United Kingdom for 20 years, pursued their career in France, and has gone on to work in Germany.

In light of the above, it is crucial to identify those individuals whose entitlements are safeguarded under the withdrawal agreement. This includes UK citizens residing in France who come under circumstance No. 1 and will also have to prove that they are legal residents of France. **This is why it is important for these individuals to apply online for a residency permit (“titre de séjour”) at <https://contacts-demarches.interieur.gouv.fr/brexit/brexit-demande-titre-sejour/>.** Indeed, they will be required to show proof of application for a residency permit if they apply for any French social security entitlements.

N.B.: U.K. citizens settling or beginning employment in France on or after January 1st, 2021, and reciprocally, French citizens settling in the United Kingdom on or after January 1st, 2021 will not be covered by the withdrawal agreement: in the absence of an agreement on the future relationship, they will be treated as foreign citizens with regard to residency and social protection rights.

The circumstances shown in the attached press kit answer the questions that are most commonly asked. Most of them also appear in the frequently asked questions section of:

-the French government's website <https://www.brexit.gouv.fr>

-the French ministries' websites:

*<https://solidarites-sante.gouv.fr/ministere/europe-et-international/brexit-vos-questions-nos-reponses/>
<https://travail-emploi.gouv.fr/ministere/europe-et-international/brexit-vos-questions-nos-reponses/>*

You may also find more specific answers to any social security-related questions you may have:

-on the website for France's Center for European and International Social Security Coordination (CLEISS): <https://www.cleiss.fr/faq/brexit.html>

-with regard to health insurance on the ameli website: <https://www.ameli.fr/assure/droits-demarches/europe-international/protection-sociale-etranger>

-with regard to retirement, on the website for "l'Assurance retraite": : <https://www.lassuranceretraite.fr/portail-info/sites/pub/hors-menu/actualites-nationales/actif/2020/brexit--ce-qui-change-au-1er-jan.html> and <https://www.lassuranceretraite.fr/portail-info/sites/pub/hors-menu/actualites-nationales/retraite/2020/brexit--ce-qui-change-au-1er-jan.html>

-with regard to family and social welfare benefits, on the website for France's National Family Benefits Fund (Cnaf): <http://www.caf.fr/presse-institutionnel/international/francais-etranger>

-with regard to applicable social security legislation, on the website for France's Central Agency of Social Security Organisations (Acos): <https://www.urssaf.fr/portail/home/actualites/autres-actualites/brexit.html>

-with regard to voluntary insurance for expats, on the website for the Fund for French Nationals Abroad (CFE): <https://www.cfe.fr/>

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FRENCH CITIZENS RESIDING OR WORKING IN THE UNITED KINGDOM ON DECEMBER 31, 2020

According to the UK authorities, EU citizens who have been residing in the United Kingdom on an ongoing basis for at least 5 years (without leaving the country for more than six months at a time each year) can apply for permanent residency (“settled status”).

Those with settled status can reside in the United Kingdom for an unlimited period of time and can also leave the United Kingdom for a period of up to five consecutive years without losing their permanent residency.

In addition, EU citizens who have been residing in the United Kingdom for less than 5 years will be eligible for “pre-settled status,” or pre-permanent residency, until they have met the residency requirement.

They will be able to apply for settled status free of charge once they have met the UK residency requirement, which is to reside in the United Kingdom for at least 6 months per year over a five-year period. Those with pre-settled status can reside outside the United Kingdom for a period of up to two consecutive years without losing the entitlements that go along with this pre-status.

Applications must be submitted online: <https://www.gov.uk/settled-status-eu-citizens-families>

Health insurance – Residents/workers

 **Will a person who is a permanent resident of the UK on December 31, 2020, still be able to get health care in the United Kingdom from January 1st, 2021?**

French citizens residing in the United Kingdom before the transition period ends on December 31, 2020, will keep their access to the UK’s National Health Service (NHS) once that date has passed under the same rules as before.

To maintain the entitlements which are safeguarded under the withdrawal agreement for EU citizens residing in the United Kingdom before the end of the transition period, EU citizens must apply to the UK authorities for permanent residency (“settled status”) under the rules that have been determined by the UK Government. Applications are online-only and can be submitted anytime from now through June 30, 2021, at the following address: <https://www.gov.uk/settled-status-eu-citizens-families>.

 **Will a French worker employed in the UK with UK social security membership still be able to use their European Health Insurance Card (EHIC) after December 31, 2020, if they receive medical care during a vacation in France?**

If a French worker continues to work and reside in the United Kingdom beyond December 31, 2020, they will be able to apply for an EHIC to use during a temporary stay in France after that date. In this respect, the UK authorities have indicated that individuals who come under the Withdrawal agreement will need to apply for a new EHIC **before the transition period ends** on December 31, 2020: the new EHIC is expected to have a distinctive feature that shows that the cardholder is covered under the Withdrawal agreement.

Health insurance – Students

- ☞ **A student began a course of education in the UK prior to December 31, 2020. They will complete their studies in 2023. Will the student be able to continue to use their EHIC in the United Kingdom from January 1st, 2021?**

The withdrawal agreement safeguards the pre-existing entitlements of young French citizens with ongoing residency in France who were already studying in the United Kingdom before the end of the transition period. They will continue to qualify for an EHIC for use in the United Kingdom for the duration of their studies. Students will need to log in to their personal area and download a Provisional Replacement Certificate, which they will need to show when they receive care. This document, which has a shorter validity period, certifies that the student is covered under the withdrawal agreement: they will need to show it to their healthcare provider along with or in place of their EHIC.

- ☞ **A student begins a course of education in the UK on or after January 1st, 2021. Where will they get health insurance coverage?**

As their course of education will have begun after the end of the transition period (December 31, 2020), the student does not come under the withdrawal agreement and the social security coordination regulations do not apply to their circumstances. This student will need to take out a voluntary health insurance policy through a private insurer or through the Fund for French Nationals Abroad (CFE).

Health insurance – Pensioners

- ☞ **A retiree drawing only a French pension is residing in the UK prior to December 31, 2020. What will happen to their health insurance coverage from January 1st, 2021?**

As the pensioner is residing in the United Kingdom prior to December 31, 2020, the withdrawal agreement provides that their health insurance coverage along with the rules for membership will not change **assuming that their circumstances remain the same**. They will remain eligible for the same benefits under the same rules as now. This means that their health care expenses in the United Kingdom will continue to be covered by the UK social security system on behalf of France, which is competent for their health care coverage.

Important: an online application for permanent residency in the UK (“settled status”) is required: <https://www.gov.uk/settled-status-eu-citizens-families>

Retirement – Salaried and self-employed workers (including those in agriculture)

- ☞ **Can people working in the UK with UK social security membership have periods of employment in France counted toward their UK retirement pension?**

Any periods of employment accrued in France before the transition period ends on December 31, 2020, will be taken into account for eligibility purposes and towards the calculation of their UK retirement pension entitlement, regardless of when they actually claim their pension, as the Social Security coordination rules set forth by the European regulations will continue to apply to these entitlements. However, in the absence of an agreement on the future relationship, any new periods of employment accrued in France after December 31, 2020, will not be taken to account under the withdrawal agreement and will only be counted toward the worker’s French retirement pension.

👉 Can people working in the UK with UK social security membership have periods of employment in the UK counted toward their French retirement pension?

Any periods of employment accrued in the United Kingdom before the transition period ends on December 31, 2020, will be taken into account for eligibility purposes and towards the calculation of their French retirement pension entitlement, regardless of when they actually claim their pension, as the Social Security coordination rules set forth by the European regulations will continue to apply to these entitlements.

However, any new periods of employment accrued in the United Kingdom after December 31, 2020, will not be taken to account under the withdrawal agreement and will only be counted toward the worker's UK retirement pension. After January 1st, 2021, these workers will still be able to take out voluntary pension insurance through the Fund for French Nationals Abroad (CFE) in order to have their periods of employment in the United Kingdom counted toward the calculation of their French retirement pension.

Family benefits

A French citizen is UK-insured and working in the United Kingdom on December 31st, 2020, while their spouse is residing with their children in France and is not working. Will this French citizen continue to draw UK and any French family benefits from January 1st, 2021?

Assuming that their circumstances remain the same after December 31, 2020, they will continue to draw family benefits under the same rules as currently. Employment is the decisive factor when determining the competent State by priority right (the UK in this case). France can then pay a supplement (on the basis of the family's residency in France) if total French family benefits come to a higher amount than the family's UK entitlement.

A French citizen is French-insured and working in France while their spouse is working and residing in the United Kingdom with their children. Will this French citizen continue to draw UK and any French family benefits after January 1st, 2021? If so, what will the rules be?

Assuming that their circumstances remain the same after December 31, 2020, they will continue to draw family benefits under the same rules as currently. In this case, the UK fund is competent by priority right for the payment of this person's family benefits because that is their spouse's State of employment as well as their Children's State of residence. Based on this French citizen's employment in France, France can then pay a supplement if total French family benefits come to a higher amount than the family's UK entitlement.

A French citizen is French-insured and working in France while their family is residing in the United Kingdom and their spouse is not working. Will this French citizen continue to draw French family benefits after January 1st, 2021?

Assuming that their circumstances remain the same after December 31, 2020, they will continue to draw family benefits under the same rules as currently. In this case, the French fund will remain competent by priority right for the payment of this person's family benefits because that is their State of employment and their spouse is not working in the United Kingdom.

Posted workers (salaried and self-employed, including those in agriculture)

👉 A French-insured employee is posted to the United Kingdom. What social security scheme will they belong to from January 1st, 2021?

If the employee was posted to the United Kingdom prior to January 1st, 2021, their posting will be able to continue up to the assignment end date which appears on their A1 form, even if this date falls after December 31, 2020. This means that the A1 will remain valid until its original cutoff date.

👉 A self-employed worker is self-posted to the United Kingdom. Which social security system will they come under as of January 1st, 2021?

If the worker self-posted to the United Kingdom prior to January 1st, 2021, their posting will be able to continue up to the ending date which appears on their A1 form, even if this date falls after December 31, 2020. This means that the A1 will remain valid until its original cutoff date.

Civil servants

👉 A French civil servant is serving in the United Kingdom prior to December 31, 2020. Which social security scheme will they come under starting January 1st, 2021?

Under the withdrawal agreement, the rules for individuals already engaging in mobility between the UK and France on January 1st, 2020, remain unchanged as the social security coordination rules set forth by the European regulations will continue to apply. The civil servant will continue to belong to the social security system of the State which they are serving and thus remain a member of the French social security system.

Covid – Brexit:

👉 A French citizen employed in the UK has been in France for more than 6 months, where they have been working remotely due to the Covid health crisis. If this worker cannot return to the UK before the transition period ends on December 31, 2020, what will happen to their social security membership?

A flexibility measure has been adopted by all of the States which apply the European social security coordination regulations, including France and the United Kingdom, in order to offset the impact of remote work as a result of the COVID-19 pandemic. Under this measure, qualifying workers' applicable social security legislation does not change for a period originally scheduled to run through August 31, 2020, and subsequently extended through December 31, 2020. In the case at hand, the UK scheme remains competent to provide social security coverage up to and after December 31, 2020. It should be noted that due to the ongoing health crisis and for that reason only, the member States have agreed to extend this flexibility measure through June 30, 2021.

UK CITIZENS RESIDING OR WORKING IN FRANCE ON DECEMBER 31, 2020

First and foremost, Brexit will require UK citizens residing or working in France to get a residency permit (“titre de séjour”).

Those residing or working in France on December 31, 2020, must apply for a residency permit on the online platform: <https://contacts-demarches.interieur.gouv.fr> before July 1st, 2021, and are asked to do so as soon as possible.

Once an online application has been submitted, the applicant will be issued with proof of receipt. This proof of receipt will be required whenever they apply for any social security entitlements.

This residency permit (“titre de séjour”) will become mandatory from October 1st, 2021.

In addition, **beginning on the withdrawal date, the withdrawal agreement stipulates that UK citizens who do not hold dual French citizenship will no longer be eligible** to vote or run for office in any local or European elections **that are held in France**.

Finally, UK citizens coming to France after January 1st, 2021, will need to apply for a residency permit (“titre de séjour”) under the procedure for non-EU citizens from a State with no agreement with France.

Health insurance – Workers

 **A member of the UK scheme (on the basis of employment in the UK) is residing in France. Will their health insurance coverage change on January 1st, 2021?**

The withdrawal agreement safeguards entitlements accrued prior to December 31, 2020: assuming the member’s circumstances remain the same, their health insurance coverage and the rules under which they are covered will not change. They will remain entitled to the same benefits under the same rules as now on the basis of their S1 portable document entitled “Registering for health care cover,” which they will need to apply for through their UK social security fund. With this document, they will be able to register with the local French health insurance fund where they reside in France. This S1 form will remain valid for as long as they reside in France and provides the same coverage under the same rules as for members of the French social security system.

 **A UK citizen is employed and insured in France: will they still be able to use their European Health Insurance Card (EHIC) after December 31, 2020, for medical care they receive during a vacation in the UK?**

If this UK citizen continues to work and reside in France after December 31, 2020, they will be able to use their EHIC during a temporary stay in the United Kingdom after that date. They will also need to download a provisional replacement certificate from their personal account. This document, which has a shorter validity period, certifies that the UK citizen is covered under the withdrawal agreement: they will need to show it to their healthcare provider along with or in place of their EHIC.

Health insurance – Students

 **A UK citizen is studying in France. What happens to their social security membership on January 1st, 2021?**

If the UK citizen began their course of education in France before the transition period ended on December 31, 2020, and continues it after that date, their health insurance coverage and the rules under which they are insured will not change.

As from January 1st, 2021, only those individuals who come under the withdrawal agreement will be able to continue to use an EHIC (European Health Insurance Card). Any other existing EHICs will no longer be valid: the United Kingdom is asking those who come under the withdrawal agreement to apply to their UK health insurance fund for a new EHIC that will be marked “CRA” – “Citizens’ Rights Agreement” along with a country code for students who will be remaining in a member State beyond December 31, 2020. With this new card, they will continue to be covered for medically necessary care during their stay in France.

Important: UK citizens who come to France to study after the transition period has ended, i.e. on or after January 1st, 2021, will need to get a residency permit (“titre de séjour”) and register for French social security membership.

Health insurance – Pensioners

 **An individual drawing only a UK pension is residing in France prior to December 31, 2020. What happens to their health insurance coverage from January 1st, 2021?**

Under the withdrawal agreement, **assuming their circumstances remain the same**, their health insurance coverage and the rules under which they are covered will not change. They will remain entitled to the same benefits under the same rules as now.

The current European Social Security coordination rules will continue to apply to pre-existing entitlements after the transition period ends on December 31, 2020. These rules stipulate that if an individual is drawing a pension from only one State and residing in another State, the State that is paying their pension is responsible for providing their health insurance coverage. This means that this pensioner’s health care expenses in France will continue to be covered by the French social security system on behalf of the United Kingdom.

If they have not already done so, they will need to apply to their UK retirement pension fund for the S1 portable document entitled “Registering for health care cover.” With this document, they will be able to register with the local French health insurance fund where they live in France. Their S1 form will remain valid for as long as they reside in France and provides the same coverage under the same rules as for members of the French social security system.

If this UK pensioner also begins drawing a French pension and continues to reside in France, the coordination rules stipulate that their health insurance will then be provided directly by the French scheme.

Family benefits

 **A UK citizen is French-insured and working in France while their spouse is working and residing with their children in the UK. Will this UK citizen continue to draw UK and any French family benefits from January 1st, 2021?**

Assuming that their circumstances remain the same after December 31, 2020, they will continue to draw family benefits under the same rules as currently. The UK fund is competent by priority right to pay family benefits because that is both the spouse’s State of employment and the children’s State of residence. France will continue to pay a supplement if total French family benefits come to a higher amount than the family’s UK entitlement.

 **A UK citizen is French-insured and working in France while their spouse is residing with their children in the UK and is not working. Will this UK citizen continue to draw French family benefits from January 1st, 2021?**

Assuming that their circumstances remain the same after December 31, 2020, they will continue to draw family benefits under the same rules as currently. The French fund is competent by priority right to pay

family benefits because that is their State of employment and their spouse is not working in the United Kingdom.

Student housing aid

A UK citizen comes to France for a course of education: what are the rules in order to qualify for student housing aid?

UK citizens who come to France on or after January 1st, 2021, for a course of education will need to have a residency permit (“titre de séjour”) and register as members of the French social security system. They will be able to apply for housing aid under the same rules as other foreign students: <http://www.caf.fr/presse-institutionnel/international/francais-etranger>.

Posted workers

A UK-insured employee is posted to France. What social security scheme will they belong to from January 1st, 2021?

If the employee was posted to France prior to January 1st, 2021, their posting will be able to continue up to the assignment end date which appears on their A1 form, even if this date falls after December 31, 2020. This means that the A1 will remain valid until its original cutoff date.

Beginning January 1st, 2021, in the absence of an agreement on the future relationship between the EU and the United Kingdom, UK-insured employees will no longer be able to be posted to France.

In order to come to France, a UK worker will need to qualify as a legal resident of France and pay into the French social security system.

Employees of a company located in the United Kingdom

An employee of a company located in the United Kingdom with no place of business in France is working in France. What social security scheme will this employee belong to from January 1st, 2021?

Under the withdrawal agreement, the rules for individuals already engaging in mobility between the UK and France on January 1st, 2020, remain unchanged. The employee will continue to belong to the French scheme as the social security coordination rules pursuant to the European regulations will continue to apply. The company located in the UK will need to continue to pay the contributions due in France to France’s National Foreign Firms Center (“Centre National des Firmes Etrangères”/ CNFE).

UK AND FRENCH CITIZENS RETURNING TO THEIR HOME COUNTRY

Health insurance – Residents/workers

 **A French citizen residing in the United Kingdom moves back to France. How do they qualify for social French security coverage?**

If a French citizen moves, back to France after the transition period has ended on December 31, 2020, the withdrawal agreement stipulates that the coordination rules will only apply to the entitlements they accrued based on their UK employment before their return to France.

The set of rules that applies to this individual in France will be determined by their circumstances here (in employment, in paid unemployment, drawing a pension, or no employment):

- Immediate resumption of employment in France → payment of contributions and immediate membership in the French social security system, with no waiting period;
- Paid unemployment in the United Kingdom prior to December 31, 2020 → if the eligibility criteria are met, they can apply to draw UK unemployment benefits in France for up to 3 months in order to search for employment here;
- Those drawing a UK pension only with a career in another EU member State prior to December 31, 2020 → health care expenses in France will be covered by the UK scheme;
- Those drawing pensions from both the UK and the French or another EU member State's scheme: the coordination rules apply. If a French pension is being paid, the pensioner will come under the French social security scheme due to becoming a resident of France;
- Career accrued in the United Kingdom only and drawing a UK pension only → may qualify for coverage of health care expenses in France if certain eligibility requirements are met, including proof of ongoing residency in France.
- None of the circumstances listed above: → may qualify for coverage of health care expenses in France if certain eligibility requirements are met, including proof of ongoing residency in France.

Retirement – Salaried and self-employed workers (including in agriculture)

 **A French citizen who has worked in the UK for 6 years moves permanently back to France, where they have also worked for 10 years. How will their pension entitlements be calculated?**

If these periods were accrued before the transition period ended on December 31, 2020, these periods of employment in France and in the UK will be taken into account for eligibility purposes and towards the calculation of their French and UK retirement pension entitlements, regardless of when they actually claim their pensions, as the Social Security coordination rules set forth by the European regulations will continue to apply.



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