

## ANNEX VI {<sup>1</sup>}

# SOCIAL SECURITY

### INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as

- preambles;
- the addressees of the Community acts;
- references to territories or languages of the EC;
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

### SECTORAL ADAPTATIONS

- I. For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term 'Member State(s)' contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Iceland, Liechtenstein and Norway.
- II. In applying the provisions of the acts referred to in this Annex for the purposes of the present Agreement, the rights and duties conferred upon the Administrative Commission for the coordination of social security systems attached to the EC Commission and the rights and duties conferred upon the Audit Board and upon the Technical Commission for data processing, both attached to the said Administrative Commission, shall be assumed, according to the provisions of Part VII of the Agreement, by the EEA Joint Committee.

## I. GENERAL SOCIAL SECURITY COORDINATION

### ACTS REFERRED TO

1. **32004 R 0883**: Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1), as corrected by OJ L 200, 7.6.2004, p. 1 and OJ L 204, 4.8.2007, p. 30, as amended by:
  - **32009 R 0988**: Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 (OJ L 284, 30.10.2009, p. 43),
  - <sup>{2}</sup> **32010 R 1244**: Commission Regulation (EU) No 1244/2010 of 9 December 2010 (OJ L 338, 22.12.2010, p. 35),
  - <sup>{3}</sup> **32012 R 0465**: Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 (OJ L 149, 8.6.2012, p. 4),

<sup>{1}</sup> Text of Annex VI replaced by Decision No 76/2011 (OJ L 262, 6.10.2011, p. 33 and EEA Supplement No 54, 6.10.2011, p. 46), e.i.f. 1.6.2012.

<sup>{2}</sup> Indent added by Decision No 18/2012 (OJ L 161, 21.6.2012, p. 24 and EEA Supplement No 34, 21.6.2012, p. 29), e.i.f. 1.6.2012.

<sup>{3}</sup> Indent added by Decision No 14/2013 (OJ L 144, 30.5.2013, p. 19 and EEA Supplement No 31, 30.5.2013, p. 23), e.i.f. 2.2.2013.

- {4} **32012 R 1224:** Commission Regulation (EU) No 1224/2012 of 18 December 2012 (OJ L 349, 19.12.2012, p. 45),
- {5} **32013 R 0517:** Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1),
- {6} **32013 R 1372:** Commission Regulation (EU) No 1372/2013 of 19 December 2013 (OJ L 346, 20.12.2013, p. 27), as amended by:
  - **32014 R 1368:** Commission Regulation (EU) No 1368/2014 of 17 December 2014 (OJ L 366, 20.12.2014, p. 15), as corrected by OJ L 288, 22.10.2016.p. 58,
- {7} **32017 R 0492:** Commission Regulation (EU) 2017/492 of 21 March 2017 (OJ L 76, 22.3.2017, p. 13).

The provisions of Regulation (EC) No 883/2004 shall, for the purposes of this Agreement, be adapted as follows:

- (a) The following subparagraph shall be added to Article 87(10):
 

"With regard to Liechtenstein, the provisions of the second sentences of Article 65(2) and (3) shall be applicable at the latest as from 1 May 2012.";
- (b) The following shall be added to Annex I(I):
 

"ICELAND

Advances of maintenance payments under the Act on Social Security No 100/2007.

LIECHTENSTEIN

Advances of maintenance payments under the Law on the grant of advances of maintenance payments of 21 June 1989 as amended.

NORWAY

Advance payment of child maintenance under the Advance payment of child maintenance Act of 17 February 1989 No. 2.";
- (c) The following shall be added to Annex I(II):
 

"ICELAND

Lump sum grants intended to offset the cost of international adoption pursuant to the Act on Adoption Grants No 152/2006.

NORWAY

Lump sum grants payable at childbirth pursuant to the National Insurance Act.

Lump sum grants payable at adoption pursuant to the National Insurance Act.";
- (d) The following shall be added to Annex II:

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{4} Indent added by Decision No 81/2013 (OJ L 291, 31.10.2013, p. 42 and EEA Supplement No 61, 31.10.2013, p. 48), e.i.f. 4.5.2013.

{5} Indent added by Decision No 159/2014 (OJ L 15, 22.1.2015, p. 87 and EEA Supplement No 5, 22.1.2015, p. 10), e.i.f. pending; it shall apply from 9.7.2014.

{6} Indent and sub-indent added by Decision No 101/2015 (OJ L 211, 4.8.2016, p. 53 and EEA Supplement No 42, 4.8.2016, p. 51), e.i.f. 1.5.2015. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 3.2.2017

{7} Indent added by Decision No 246/2018 (OJ L 60, 28.2.2019, p 29 and EEA Supplement No 17, 28.2.2019, p. 1), e.i.f. 6.12.2018.

"ICELAND – DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND – FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND – SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND – NORWAY

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY – DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY – FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY – SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).";

- (e) The following shall be added to Annex III:

"ICELAND

NORWAY";

- (f) The following shall be added to Annex IV:

"ICELAND

LIECHTENSTEIN";

- (g) The following shall be added to Annex VIII, Part 1

"ICELAND

All applications from the old-age basic scheme and the defined benefit State employee scheme.

LIECHTENSTEIN

All applications for pensions of the old-age, survivors' and invalidity insurances from the statutory pension scheme as well as for old-age, survivors' and invalidity pensions from the occupational scheme as far as the regulations of the respective pension fund do not contain provisions concerning reduction.

NORWAY

All applications for old age pension, except pensions mentioned in Annex IX.";

- (h) The following shall be added to Annex VIII, Part 2:

"ICELAND

Old-age employment pension scheme.

LIECHTENSTEIN

Old-age, survivors' and invalidity pensions from the occupational scheme.";

{<sup>8</sup>} NORWAY

Old age income pension under the National Insurance Act (Chapter 20) and defined contribution pension schemes under the Act on Mandatory Occupational Pensions.

- (i) The following shall be added to Annex IX(I):

"ICELAND

Child pension in accordance with the Act on Social Security No 100/2007 and child pension in accordance with the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.";

- (j) The following shall be added to Annex IX(II):

"ICELAND

Invalidity pension in the form of basic pension, pension supplement and age-related pension supplement according to the Act on Social Security No 100/2007.

Invalidity pension according to the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.

NORWAY

Norwegian disability pension, also when converted into an old-age pension upon the reaching of the pensionable age, and all pensions (survivors' and old-age pensions) based on the deceased person's pension earnings.";

- (k) The following shall be added to Annex X:

"LIECHTENSTEIN

- (a) Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970 as amended);
- (b) Maternity allowances (Law on the granting of maternity allowances of 25 November 1981 as amended);
- (c) Supplementary benefits to the old age, survivors' and invalidity insurance (Law on supplementary benefits to the old age, survivors' and invalidity insurance of 10 December 1965 as amended).

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{<sup>8</sup>} Adaptation text added by Decision No 246/2018 (OJ L 60, 28.2.2019, p 29 and EEA Supplement No 17, 28.2.2019, p. 1), e.i.f. 6.12.2018.

## NORWAY

- (a) Guaranteed minimum supplementary pension to persons who are born disabled or become disabled at an early age under the National Insurance Act;
  - (b) Special benefits in accordance with the Act of 29 April 2005 No. 21 on supplementary allowance to persons with short periods of residence in Norway.";
- (l) The following shall be added to Annex XI:

## "ICELAND

1.
  - (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to an Icelandic social pension only if they have been, or have previously been, permanent residents of Iceland for at least three years, subject to the age limits prescribed by Icelandic legislation.
  - (b) The above mentioned provisions do not apply to Icelandic social pension entitlement for the members of the family of persons who are or have been gainfully employed in Iceland, or for students or the members of their families.
2. Where employment or self-employment in Iceland has terminated and the contingency occurs during employment or self-employment in another State to which this Regulation applies and where the disability pension of both the social security and the supplementary pension schemes (pension funds) in Iceland no longer includes the period between the contingency and the pensionable age (future periods), periods of insurance under the legislation of another State to which this Regulation applies shall be taken into consideration for the requirement of the future periods as if they were periods of insurance in Iceland.

## LIECHTENSTEIN

1. Compulsory insurance under Liechtenstein sickness insurance scheme for benefits in kind ("Krankenpflegeversicherung") and possible exemptions:
  - (a) The Liechtenstein legal provisions governing compulsory sickness insurance for benefits in kind shall apply to the following persons not resident in Liechtenstein:
    - (i) persons subject to Liechtenstein legal provisions under Title II of the Regulation;
    - (ii) persons for whom Liechtenstein shall bear the costs of benefits according to Article 24, 25 and 26 of the Regulation;
    - (iii) persons receiving Liechtenstein unemployment benefits;
    - (iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme;
    - (v) family members of persons referred to in (ii) or of a pensioner resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme.

As family members are considered those persons who are defined as family members according to the legislation of the State of residence.

  - (b) Persons referred to in (a) may, on request, be exempted from compulsory insurance for benefits in kind if and as long as they are resident in Austria and can prove that they are eligible for cover in the event of sickness in a statutory or equivalent sickness insurance. The exemption cannot be revoked except in the case of a change of employer.

This request

- (i) must be submitted within three months of the date of which the obligation to take out insurance in Liechtenstein comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation. Persons being already insured in Austria at the time of the entry into force of the Regulation in the EEA are considered to be exempted from the Liechtenstein compulsory insurance for benefits in kind;
  - (ii) shall apply to all family members residing in the same State.
2. Persons who are working, but not residing in Liechtenstein and who have statutory or equivalent insurance cover in their State of residence in accordance with point 1(b), as well as their family members, shall benefit from the provisions of Article 19 of the Regulation during their stay in Liechtenstein.
3. For the purposes of applying Articles 18, 19, 20 and 27 of the Regulation in Liechtenstein, the competent insurer shall bear all invoiced costs.
4. Where a person subject to Liechtenstein legal provisions under Title II of the Regulation is, in application of 1(b), subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Liechtenstein insurer against the occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Liechtenstein insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.

#### NORWAY

1. The transitional provisions of the Norwegian legislation entailing a reduction of the insurance period which is required for a full supplementary pension for persons born before 1937 shall be applicable to persons covered by the Regulation provided that they have been residents of Norway, or engaged in gainful occupation as employed or self-employed in Norway, for such a number of years as is required after their sixteenth birthday and before 1 January 1967. This requirement shall be one year for each year the person's year of birth falls before 1937.
2. A person insured under the National Insurance Act who provides care to insured care-needing old, disabled or sick persons shall, according to prescribed conditions, be credited pension points for such periods. Likewise, and without prejudice to Article 44 of Regulation (EC) No 987/2009, a person who takes care of small children shall be credited pension points when staying in another State to which this Regulation applies, provided that the person concerned is on parental leave under Norwegian labour law.
3.
  - (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to a Norwegian social pension only if they have been, or have previously been, permanent residents of Norway for at least three years, subject to the age limits prescribed by Norwegian legislation.
  - (b) The above mentioned provisions do not apply to Norwegian social pension entitlement for the members of the family of persons who are or have been gainfully employed in Norway, or for students or the members of their families."

DATA PROCESSING AND IN THE AUDIT BOARD, BOTH ATTACHED TO THE ADMINISTRATIVE COMMISSION, IN ACCORDANCE WITH ARTICLE 101 OF THE AGREEMENT:

Iceland, Liechtenstein and Norway may each send a representative, present in an advisory capacity (observer), to the meetings of the Administrative Commission for the coordination of social security systems, attached to the European Commission, and to the meetings of the Technical Commission for data processing and of the Audit Board, both attached to the Administrative Commission.

- 1a. {<sup>9</sup>} **32019 R 0500:** Regulation (EU) 2019/500 of the European Parliament and of the Council of 25 March 2019 establishing contingency measures in the field of social security coordination following the withdrawal of the United Kingdom from the Union (OJ L 85I, 27.3.2019, p. 35).
2. **32009 R 0987:** Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1), as amended by:
- {<sup>10</sup>} **32012 R 0465:** Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012 (OJ L 149, 8.6.2012, p. 4),
  - {<sup>11</sup>} **32010 R 1244:** Commission Regulation (EU) No 1244/2010 of 9 December 2010 (OJ L 338, 22.12.2010, p. 35),
  - {<sup>12</sup>} **32012 R 1224:** Commission Regulation (EU) No 1224/2012 of 18 December 2012 (OJ L 349, 19.12.2012, p. 45),
  - {<sup>13</sup>} **32013 R 1372:** Commission Regulation (EU) No 1372/2013 of 19 December 2013 (OJ L 346, 20.12.2013, p. 27),
  - {<sup>14</sup>} **32014 R 1368:** Commission Regulation (EU) No 1368/2014 of 17 December 2014 (OJ L 366, 20.12.2014, p. 15), as corrected by OJ L 288, 22.10.2016.p. 58,
  - {<sup>15</sup>} **32017 R 0492:** Commission Regulation (EU) 2017/492 of 21 March 2017 (OJ L 76, 22.3.2017, p. 13).

The provisions of Regulation (EC) No 987/2009 shall, for the purposes of this Agreement, be adapted as follows:

- (a) The following shall be added to Annex 1:

"ICELAND – DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND – LUXEMBOURG

Arrangement of 30 November 2001 on the reimbursement of costs in the field of social security.

ICELAND – FINLAND

{<sup>9</sup>} Point inserted by Decision No 32/2019 (OJ L 192, 18.7.2019, p. 43 and EEA Supplement No 57, 18.7.2019, p. 4), e.i.f. 29.3.2019.

{<sup>10</sup>} Indent and words “, as amended by:” added by Decision No 14/2013 (OJ L 144, 30.5.2013, p. 19 and EEA Supplement No 31, 30.5.2013, p. 23), e.i.f. 2.2.2013.

{<sup>11</sup>} Indent added by Decision No 15/2013 (OJ L 144, 30.5.2013, p. 20 and EEA Supplement No 31, 30.5.2013, p. 24), e.i.f. 2.2.2013.

{<sup>12</sup>} Indent added by Decision No 81/2013 (OJ L 291, 31.10.2013, p. 42 and EEA Supplement No 61, 31.10.2013, p. 48), e.i.f. 4.5.2013.

{<sup>13</sup>} Indent added by Decision No 101/2015 (OJ L 211, 4.8.2016, p. 53 and EEA Supplement No 42, 4.8.2016, p. 51), e.i.f. 1.5.2015.

{<sup>14</sup>} Indent added by Decision No 101/2015 (OJ L 211, 4.8.2016, p. 53 and EEA Supplement No 42, 4.8.2016, p. 51), e.i.f. 1.5.2015. Corrigendum to the EU act subsequently taken note of by the EEA Joint Committee on 3.2.2017

{<sup>15</sup>} Indent added by Decision No 246/2018 (OJ L 60, 28.2.2019, p. 29 and EEA Supplement No 17, 28.2.2019, p. 1), e.i.f. 6.12.2018.

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### ICELAND – SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### ICELAND – NORWAY

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### NORWAY – DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### NORWAY – LUXEMBOURG

Article 2 to 4 of the Arrangement of 19 March 1998 on reimbursement of costs in the field of social security.

#### NORWAY – NETHERLANDS

Agreement of 23 January 2007 on the reimbursement of costs for benefits in kind provided under Regulations (EEC) Nos 1408/71 and 574/72.

#### NORWAY – PORTUGAL

Arrangement of 24 November 2000 under Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 and Article 105(2) of Regulation (EEC) No 574/72 on the reciprocal waiving of the reimbursement of costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases and the costs incurred for administrative checks and medical examinations provided under these Regulations.

#### NORWAY – FINLAND

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### NORWAY – SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment



benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

#### NORWAY – UNITED KINGDOM

The Exchange of Letters of 20 March 1997 and 3 April 1997 concerning Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the costs of benefits in kind), and Article 105 of Regulation (EEC) No 574/72 (waiving of the costs of administrative checks and medical examinations).";

- (b) The following shall be added to Annex 3:

"NORWAY";

- (c) The following shall be added to Annex 5:

"LIECHTENSTEIN

NORWAY".

### *ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE DUE ACCOUNT*

- 3.A1<sup>{16}</sup> **32010 D 0424(01)**: Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Council Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 1).
- 3.A2<sup>{17}</sup> **32010 D 0424(02)**: Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ C 106, 24.4.2010, p. 5).
- 3.A3<sup>{18}</sup> **32010 D 0608(01)**: Decision No A3 of 17 December 2009 concerning the aggregation of uninterrupted posting periods completed under the Council Regulation (EEC) No 1408/71 and Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C149, 8.6.2010, p. 3).
- 3.E1<sup>{19}</sup> [ ]
3. E2<sup>{20}</sup> **32010 D 0710(01)**: Decision No E2 of 3 March 2010 concerning the establishment of a change management procedure applying to details of the bodies defined in Article 1 of Regulation (EC) No 883/2004 of the European Parliament and of the Council which are listed in the electronic directory which is an inherent part of EESSI (OJ C 187, 10.7.2010, p. 5).
- 3.E4<sup>{21}</sup> **32014 D 0520(03)**: Decision No E4 of 13 March 2014 concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 152, 20.5.2014, p. 21).
- 3.E5<sup>{22}</sup> **32017 D 0719(01)**: Decision No E5 of 16 March 2017 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 (OJ C 233, 19.7.2017, p. 3).

<sup>{16}</sup> Point 3.1 renumbered as point 3. A1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{17}</sup> Point 3.2 renumbered as point 3. A2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{18}</sup> Point 3.3 renumbered as point 3. A3 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{19}</sup> Point 4.1 renumbered as point 3. E1 (Decision No E1 of 12 June 2009) by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016 deleted by Decision No 162/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

<sup>{20}</sup> Point 4.2 renumbered as point 3. E2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{21}</sup> Point inserted by Decision No 26/2015 (OJ L 93, 7.4.2016, p. 40 and EEA Supplement No 21, 7.4.2016, p. 35), e.i.f. 26.2.2015. Point 4.3 renumbered as point 3. E4 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{22}</sup> Point inserted by Decision No 162/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 15.6.2019.

- 3.E6<sup>{23}</sup> **32018 D 1004(02)**: Decision No E6 of 19 October 2017 concerning the determination of when an electronic message is considered legally delivered in the Electronic Exchange of Social Security Information (EESSI) system (OJ C 355, 4.10.2018, p. 5).
- 3.E7<sup>{24}</sup> **32020 D 0306(01)**: Decision No E7 of 27 June 2019 concerning practical arrangements for cooperation and data exchange until the Electronic Exchange of Social Security Information (EESSI) is fully implemented in Member States (OJ C 73, 6.3.2020, p. 5).
- 3.F1<sup>{25}</sup> **32010 D 0424(04)**: Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits (OJ C 106, 24.4.2010, p. 11).
- 3.F2<sup>{26}</sup> **32016 D 0211(05)**: Decision No F2 of 23 June 2015 on the exchange of data between institutions for the purpose of granting family benefits (OJ C 52, 11.2.2016, p. 11).
- 3.F3<sup>{27}</sup> **32019 D 0626(01)**: Decision No F3 of 19 December 2018 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 relating to the method for the calculation of the differential supplement (OJ C 215, 26.6.2019, p. 2).
- 3.H1<sup>{28}</sup> **32010 D 0424(05)**: Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 13).
- 3.H2 []<sup>{29}</sup>
- 3.H3<sup>{30}</sup> **32010 D 0424(16)**: Decision No H3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 56), as amended by:
- <sup>{31}</sup> **32016 D 0211(06)**: Decision No H7 of 25 June 2015 (OJ C 52, 11.2.2016, p. 13).

The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptation:

In the absence of a published conversion rate with regard to the Icelandic Krona (ISK) by the European Central Bank, the rate of conversion as mentioned in Article 1 of Decision No H3 shall be understood as the daily conversion rate fixed by the Central Bank of Iceland during the reference month.

- 3.H4<sup>{32}</sup> **32010 D 0427(01)**: Decision No H4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems (OJ C 107, 27.4.2010, p. 3).

<sup>{23}</sup> Point inserted by Decision No 235/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

<sup>{24}</sup> Point inserted by Decision No 43/2021 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 6.2.2021.

<sup>{25}</sup> Point 5.1 renumbered as point 3. F1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{26}</sup> Point 3. F2 inserted by Decision No 33/2017 (OJ L 297, 22.11.2018, p. 42 and EEA Supplement No 78, 22.11.2018, p. 50), e.i.f. 4.2.2017.

<sup>{27}</sup> Point 3. F3 inserted by Decision No 208/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.12.2020.

<sup>{28}</sup> Point 6.1 renumbered as point 3.H1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{29}</sup> Point 6.2 (32010D0424(06)) renumbered as point 3.H2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016 and subsequently deleted by Decision No 77/2019 (OJ L 210, 2.7.2020, p. 48 and EEA Supplement No 44, 2.7.2020, p. 56), e.i.f. 30.3.2019.

<sup>{30}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Point 6.3 renumbered as point 3.H3 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{31}</sup> Indent and words “, as amended by: “added by Decision No 34/2017 (OJ L 297, 22.11.2018, p. 43 and EEA Supplement No 78, 22.11.2018, p. 51), e.i.f. 4.2.2017.

<sup>{32}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Point 6.4 renumbered as point 3.H4 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

- 3.H5<sup>{33}</sup> **32010 D 0608(02)**: Decision No H5 of 18 March 2010 concerning cooperation on combating fraud and error within the framework of Council Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems (OJ C 149, 8.6.2010, p. 5).
- 3.H6<sup>{34}</sup> **32011 D 0212(01)**: Decision No H6 of 16 December 2010 concerning the application of certain principles regarding the aggregation of periods under Article 6 of Regulation (EC) No 883/2004 on the coordination of social security systems (OJ C 45, 12.2.2011, p. 5).
- 3.H8<sup>{35}</sup> **32016 D 0720(01)**: Decision No H8 of 17 December 2015 (updated with minor technical clarifications on 9 March 2016) concerning the methods of operation and the composition of the Technical Commission for Data Processing of the Administrative Commission for the Coordination of Social Security Systems (OJ C 263, 20.7.2016, p. 3).
- 3.P1<sup>{36}</sup> **32010 D 0424(07)**: Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivor's benefits (OJ C 106, 24.4.2010, p. 21).
- 3.R1<sup>{37}</sup> **32013 D 0927(01)**: Decision No R1 of 20 June 2013 concerning the interpretation of Article 85 of Regulation (EC) No 987/2009 (OJ C 279, 27.9.2013, p. 11).
- 3.S1<sup>{38}</sup> **32010 D 0424(08)**: Decision No S1 of 12 June 2009 concerning the European Health Insurance Card (OJ C 106, 24.4.2010, p. 23).
- 3.S2<sup>{39}</sup> **32010 D 0424(09)**: Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card (OJ C 106, 24.4.2010, p. 26).
- The provisions of Decision No S2 shall, for the purposes of this Agreement, be read with the following adaptation:
- Notwithstanding point 3.3.2 of the Annex to the Decision, the EFTA States shall nevertheless have the possibility to insert the European stars on the European Health Insurance Cards to be issued by them.
- 3.S3<sup>{40}</sup> **32010 D 0424(10)**: Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 40).
- 3.S9<sup>{41}</sup> **32013 D 0927(02)**: Decision No S9 of 20 June 2013 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 (OJ C 279, 27.9.2013, p. 8).
- 3.S5<sup>{42}</sup> **32010 D 0424(15)**: Decision No S5 of 2 October 2009 on interpretation of the concept of 'benefits in kind' as defined in Article 1(va) of Regulation (EC) No 883/2004 of the European Parliament and of the Council in the event of sickness or maternity pursuant to Articles 17, 19, 20, 22, 24(1), 25, 26, 27(1, 3, 4 and 5), 28, 34 and 36(1 and 2) of Regulation (EC) No 883/2004 and on calculation of the amounts to be refunded under Articles 62, 63 and 64 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 54).

<sup>{33}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Point 6.5 renumbered as point 3.H5 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{34}</sup> Point inserted by Decision No 92/2012 (OJ L 248, 13.9.2012, p. 30 and EEA Supplement No 50, 13.9.2012, p. 35), e.i.f. 1.6.2012. Point 6.6 renumbered as point 3.H6 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{35}</sup> Point inserted by Decision No 77/2019 (OJ L 210, 2.7.2020, p. 48 and EEA Supplement No 44, 2.7.2020, p. 56), e.i.f. 30.3.2019.

<sup>{36}</sup> Point 7.1 renumbered as point 3. P1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{37}</sup> Point inserted by Decision No 17/2014 (OJ L 211, 17.7.2014, p. 25 and EEA Supplement No 42, 17.7.2014, p. 13), e.i.f. 15.2.2014. Point 7.2 renumbered as point 3. R1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{38}</sup> Point 8.1 renumbered as point 3.S1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{39}</sup> Point 8.2 renumbered as point 3.S2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{40}</sup> Point 8.3 renumbered as point 3.S3 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{41}</sup> Point 16 (Decision No S4-32010 D 0424(14)) inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012 and subsequently replaced by Decision No 49/2014 (OJ L 256, 28.8.2014, p. 26 and EEA Supplement No 49, 28.8.2014, p. 24), e.i.f. 9.4.2014. Point 8.4 renumbered as point 3.S9 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016 and subsequently corrected by Corrigendum of 11.12.2020.

<sup>{42}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Point 8.5 renumbered as points 3.S5 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

- 3.S6<sup>{43}</sup> **32010 D 0427(02)**: Decision No S6 of 22 December 2009 concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64(4) of Regulation (EC) No 987/2009 (OJ C 107, 27.4.2010, p. 6).
- 8.7 [ ]<sup>{44}</sup>
- 3.S8<sup>{45}</sup> **32011 D 0906(01)**: Decision No S8 of 15 June 2011 concerning the granting of prostheses, major appliances and other substantial benefits in kind provided for in Article 33 of Regulation (EC) No 883/2004 on the coordination of social security systems (OJ C 262, 6.9.2011, p. 6).
- 3.S10<sup>{46}</sup> **32014 D 0520(02)**: Decision No S10 of 19 December 2013 concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures (OJ C 152, 20.5.2014, p. 16).
- 3.U1<sup>{47}</sup> **32010 D 0424(11)**: Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family (OJ C 106, 24.4.2010, p. 42).
- 3.U2<sup>{48}</sup> **32010 D 0424(12)**: Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment (OJ C 106, 24.4.2010, p. 43).
- 3.U3<sup>{49}</sup> **32010 D 0424(13)**: Decision No U3 of 12 June 2009 concerning the scope of the concept of 'partial unemployment' applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 45).
- 3.U4<sup>{50}</sup> **32012 D 0225(01)**: Decision No U4 of 13 December 2011 concerning the reimbursement procedures under Article 65(6) and (7) of Regulation (EC) No 883/2004 and Article 70 of Regulation (EC) No 987/2009 (OJ C 57, 25.2.2012, p. 4).

### *ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE*

- 4.A1<sup>{51}</sup> **32018 H 0529(01)**: Recommendation No A1 of 18 October 2017 concerning the issuance of the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 183, 29.5.2018, p. 5).
- 4.H2.<sup>{52}</sup> **32019 H 0429(01)**: Recommendation No H2 of 10 October 2018 concerning the inclusion of authentication features to Portable Documents issued by the institution of a Member State and showing the position of a person for the purpose of the application of Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council (OJ C 147, 29.4.2019, p. 6).

<sup>{43}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Point 8.6 renumbered as point 3.S6 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{44}</sup> Point inserted by Decision No 133/2011 (OJ L 76, 15.3.2012, p. 17 and EEA Supplement No 15, 15.3.2012, p. 21), e.i.f. 1.6.2012. Text of point 8.7 (Decision No S7) deleted by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{45}</sup> Point inserted by Decision No 93/2012 (OJ L 248, 13.9.2012, p. 31 and EEA Supplement No 50, 13.9.2012, p. 36), e.i.f. 1.6.2012. Point 8.8 renumbered as point 3.S8 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{46}</sup> Point inserted by Decision No 27/2015 (OJ L 93, 7.4.2016, p. 41 and EEA Supplement No 21, 7.4.2016, p. 36), e.i.f. 26.2.2015. Point 8.9 renumbered as point 3.S10 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{47}</sup> Point 9.1 renumbered as point 3.U1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{48}</sup> Point 9.2 renumbered as point 3.U2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{49}</sup> Point 9.3 renumbered as point 3.U3 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{50}</sup> Point inserted by Decision No 166/2012 (OJ L 341, 13.12.2012, p. 17 and EEA Supplement No 70, 13.12.2012, p. 21), e.i.f. 29.9.2012. Point 9.4 renumbered as point 3.U4 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{51}</sup> Point inserted by Decision No 236/2019 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 28.9.2019.

<sup>{52}</sup> Point inserted by Decision No 209/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.12.2020.

- 4.P1<sup>{53}</sup> **32010 H 0424(01)**: Recommendation No P1 of 12 June 2009 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States (OJ C 106, 24.4.2010, p. 47).
- 4.U1<sup>{54}</sup> **32010 H 0424(02)**: Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence (OJ C 106, 24.4.2010, p. 49).
- 4.U2<sup>{55}</sup> **32010 H 0424(03)**: Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State (OJ C 106, 24.4.2010, p. 51).
- 4.S1<sup>{56}</sup> **32012 H 0810(01)**: Recommendation No S1 of 15 March 2012 concerning financial aspects of cross-border living organ donations (OJ C 240, 10.8.2012, p. 3).

## II. SAFEGUARDING OF SUPPLEMENTARY PENSION RIGHTS

### ACTS REFERRED TO

- 5.<sup>{57}</sup> **398 L 0049**: Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).
- 6.<sup>{58}</sup> **32014 L 0050**: Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights (OJ L 128, 30.4.2014, p. 1).

## III. UNITED KINGDOM NATIONALS <sup>{59}</sup>

### ARTICLE 1

#### Definitions and references

1. For the purposes of this Chapter the following definitions apply:
- (a) “Withdrawal Agreement” means 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>60</sup>;

<sup>{53}</sup> Point 10.1 renumbered as point 4.P1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{54}</sup> Point 11.1 renumbered as point 4.U1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{55}</sup> Point 11.2 renumbered as point 4.U2 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{56}</sup> Point inserted by Decision No 38/2013 (OJ L 231, 29.8.2013, p. 12 and EEA Supplement No 49, 29.8.2013, p. 14), e.i.f. 16.3.2013. Point 11.3 renumbered as point 4.S1 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{57}</sup> Point 12 renumbered as point 5 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{58}</sup> Point inserted by Decision No 188/2014 (OJ L 202, 30.7.2015, p. 40 and EEA Supplement No 43, 30.7.2015, p. 40), e.i.f. 1.5.2015. Point 13 renumbered as point 6 by Decision No 27/2016 (OJ L 189, 20.7.2017, p. 43 and EEA Supplement No 45, 20.7.2017, p. 46), e.i.f. 6.2.2016.

<sup>{59}</sup> Chapter III and articles 1-6 inserted by Decision No 210/2020 (OJ L [to be published] and EEA Supplement No [to be published]), e.i.f. 12.12.2020. It shall apply from the end of the transition period.

<sup>60</sup> OJ L 29, 31.1.2020, p. 7.

- (b) “Separation Agreement” means 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;
  - (c) “States covered” means the States that are Contracting Parties to the EEA Agreement;
  - (d) “transition period” means the transition period referred to in Article 126 of the Withdrawal Agreement;
  - (e) the definitions in Article 1 of Regulation (EC) No 883/2004 and Article 1 of Regulation (EC) No 987/2009.
2. For the purposes of this Chapter, all references to Member States and competent authorities of Member States in provisions of Union law made applicable by this Chapter shall be understood as including the United Kingdom and its competent authorities.

## ARTICLE 2

### Persons covered

1. This Chapter shall apply to the following persons:
- (a) United Kingdom nationals who are subject to the legislation of one of the States covered at the end of the transition period, as well as their family members and survivors;
  - (b) United Kingdom nationals who reside in one of the States covered, and are subject to the legislation of the United Kingdom at the end of the transition period, as well as their family members and survivors;
  - (c) persons who do not fall within points (a) or (b) but are United Kingdom nationals who pursue an activity as an employed or self-employed person in one or more of the States covered at the end of the transition period, and who, based on Title II of Regulation (EC) No 883/2004, are subject to the legislation of the United Kingdom, as well as their family members and survivors;
  - (d) stateless persons and refugees, residing in one of the States covered or in the United Kingdom, who are in one of the situations described in points (a) to (c), as well as their family members and survivors.
2. The persons referred to in paragraph 1 shall be covered for as long as they continue without interruption to be in one of the situations set out in that paragraph involving both one of the States covered and the United Kingdom at the same time.
3. This Chapter shall also apply to United Kingdom nationals who do not, or who no longer, fall within one of the situations set out in paragraph 1 of this Article but who fall within Article 10 of the Withdrawal Agreement or within Article 9 of the Separation Agreement, as well as their family members and survivors.
4. The persons referred to in paragraph 3 shall be covered for as long as they continue to have a right to reside in one of the States covered under Article 13 of the Withdrawal Agreement or Article 12 of the Separation Agreement, or a right to work in their State of work under Article 24 or 25 of the Withdrawal Agreement or Articles 23 and 24 of the Separation Agreement.
5. Where this Article refers to family members and survivors, those persons shall be covered by this Chapter only to the extent that they derive rights and obligations in that capacity under Regulation (EC) No 883/2004.

## ARTICLE 3

### Social security coordination rules

1. The rules and objectives set out in Article 29 of the EEA Agreement, Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 shall apply to the persons covered by this Chapter.
2. The Union shall take due account of the Decisions and Recommendations of the Administrative Commission for the Coordination of Social Security Systems attached to the European Commission, set up under Regulation (EC) No 883/2004 (“Administrative Commission”) listed in Part I of Annex I to the Withdrawal Agreement. The EFTA States

shall take due account of Decisions of the Administrative Commission and take note of Recommendations of the Administrative Commission listed in Part I of Annex I to the Separation Agreement.

#### ARTICLE 4

##### Special situations covered

1. The following rules shall apply in the following situations to the extent set out in this Article, insofar as they relate to persons not or no longer covered by Article 2:
  - (a) United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who have been subject to the legislation of one of the States covered before the end of the transition period, as well as their family members and survivors shall be covered by this Chapter for the purposes of reliance on and aggregation of periods of insurance, employment, self-employment or residence, including rights and obligations deriving from such periods in accordance with Regulation (EC) No 883/2004;  
  
for the purposes of the aggregation of periods, periods completed both before and after the end of the transition period shall be taken into account in accordance with Regulation (EC) No 883/2004;
  - (b) the rules set out in Articles 20 and 27 of Regulation (EC) No 883/2004 shall continue to apply to United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who, before the end of the transition period, had requested authorisation to receive a course of planned health care treatment pursuant to Regulation (EC) No 883/2004, until the end of the treatment. The corresponding reimbursement procedures shall also apply even after the treatment ends. Such persons and the accompanying persons shall enjoy the right to enter and exit the State of treatment in accordance with Article 14 of the Withdrawal Agreement *mutatis mutandis* and with Article 13 of the Separation Agreement *mutatis mutandis*;
  - (c) the rules set out in Articles 19 and 27 of Regulation (EC) No 883/2004 shall continue to apply to United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who are covered by Regulation (EC) No 883/2004 and who are on a stay at the end of the transition period in one of the States covered or in the United Kingdom until the end of their stay. The corresponding reimbursement procedures shall also apply even after the stay or treatment ends;
  - (d) the rules set out in Articles 67, 68 and 69 of Regulation (EC) No 883/2004 shall continue to apply, for as long as the conditions are fulfilled, to awards of family benefits to which there is entitlement at the end of the transition period for United Kingdom nationals, as well as stateless persons and refugees residing in the United Kingdom who are subject to the legislation of the United Kingdom and have family members residing in one of the States covered at the end of the transition period;
  - (e) in the situations set out in point (d) of this paragraph, for any persons who have rights as family members at the end of the transition period under Regulation (EC) No 883/2004, such as derived rights for sickness benefits in kind, that Regulation and the corresponding provisions of Regulation (EC) No 987/2009 shall continue to apply for as long as the conditions provided therein are fulfilled.
2. The provisions of Chapter 1 of Title III of Regulation (EC) No 883/2004 as regards sickness benefits shall apply to persons receiving benefits under point (a) of paragraph 1 of this Article.

This paragraph shall apply *mutatis mutandis* as regards family benefits based on Articles 67, 68 and 69 of Regulation (EC) No 883/2004.

#### ARTICLE 5

##### Reimbursement, recovery and offsetting

The provisions of Regulations (EC) No 883/2004 and (EC) No 987/2009 on reimbursement, recovery and offsetting shall continue to apply in relation to events, in so far as they relate to persons not covered by Article 2, that:

- (a) occurred before the end of the transition period; or
- (b) occur after the end of the transition period and relate to persons who were covered by Articles 2 or 4 when the event occurred.

## ARTICLE 6

## Development of law and adaptations

1. Notwithstanding paragraph 3, references in this Chapter to Regulations (EC) No 883/2004 and (EC) No 987/2009 or provisions thereof, shall be understood as references to the acts or provisions as incorporated into the EEA Agreement, including as amended or replaced, as applicable on the last day of the transition period.
2. Where Regulations (EC) No 883/2004 and (EC) No 987/2009 are amended or replaced after the end of the transition period, references to those Regulations in this Chapter shall be understood as referring to those Regulations as amended or replaced, in accordance with the acts listed in Part II of Annex I to the Withdrawal Agreement, as regards the Union, and Part II of Annex I to the Separation Agreement, as regards the EFTA States.
3. Regulations (EC) No 883/2004 and (EC) No 987/2009 shall, for the purposes of this Chapter, be understood as comprising the adaptations listed in Part III of Annex I to the Withdrawal Agreement, as regards the Union, and Part III of Annex I of the Separation Agreement, as regards the EFTA States.
4. For the purposes of this Chapter, the amendments and adaptations referred to in paragraphs 2 and 3 shall take effect on the day following the day on which the corresponding amendments and adaptations of Annex I to the Withdrawal Agreement or of Annex I to the Separation Agreement take effect, whichever is the latest.