

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4791 GIBRALTAR Thursday 10th December 2020

LEGAL NOTICE NO. 440 OF 2020

HEALTHCARE (INTERNATIONAL AGREEMENTS) AND SOCIAL SECURITY COORDINATION ACT 2019

SOCIAL SECURITY COORDINATION (REVOCATION OF RETAINED DIRECT EU LEGISLATION) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred on him by section 8 of the Healthcare (International Agreements) and Social Security Coordination Act 2019, the Minister has made the following Regulations—

Title.

1. These Regulations may be cited as the Social Security Coordination (Revocation of Retained Direct EU Legislation) (EU Exit) Regulations 2020.

Commencement.

2. These Regulations come into operation on 1st January 2021.

Interpretation.

3. In these Regulations—

“the revoked RDEUL” means the retained direct EU legislation revoked by regulation 4.

Revocation of retained direct EU legislation.

4. Subject to regulation 6, the following retained direct EU legislation is revoked—

- (a) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;
- (b) 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) 883/2004;
- (c) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

- (d) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
- (e) Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality.

Revocation of Regulations.

5. The following Regulations are revoked–

- (a) Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2019;
- (b) Social Security Coordination (Regulation (EC) No 987/2009) (Amendment) (EU Exit) Regulations 2019;
- (c) Social Security Coordination (Council Regulation (EEC) No 1408/71 and Council Regulation (EC) 859/2003) (Amendment) (EU Exit) Regulations 2019;
- (d) Social Security Coordination (Council Regulation (EEC) No 574/72) (Amendment) (EU Exit) Regulations 2019.

Savings.

6. Notwithstanding regulation 4, the revoked RDEUL referred to in regulations 7 and 8 forms part of domestic law by virtue of section 6 of the European Union (Withdrawal) Act 2019.

Benefits in kind.

7. This regulation applies to the provisions of the revoked RDEUL in so far as they relate to the coordination of benefits in kind.

United Kingdom.

8.(1) This regulation applies to those parts of the revoked RDEUL which are necessary to give effect to the Exchange of Letters between the Governments of the United Kingdom and Gibraltar on the coordination of social security between the United Kingdom and Gibraltar.

(2) The Exchange of Letters referred to in subregulation (1) is contained in the Social Security (Reciprocity) Order.

Dated: 10th December, 2020.

P J BALBAN,
Minister with responsibility for Social Security.

Explanatory Memorandum

These Regulations are made in exercise of the powers in section 8 of the Healthcare (International Agreements) and Social Security Coordination Act 2019.

These Regulations revoke certain retained direct EU legislation; namely Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems, Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004, Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408 and Regulation (EC) No 859/2003 extending Regulation (EEC) No 1408/71 to nationals of non-EU Member Countries. Those Regulations relate to the coordination of social security systems throughout the EU.

These Regulations also revoke regulations made under section 11(1) of the European Union (Withdrawal) Act 2019, which amended the aforementioned retained direct EU legislation.

These revocations are made as the social security coordination measures operate on the basis of cooperation and reciprocity between states which are not guaranteed after the end of the implementation period.

Savings provision is made in relation to the Exchange of Letters on the coordination of social security between the United Kingdom and Gibraltar in order to allow for the continuation of current arrangements with the UK.