

What are the EU current laws, rights and initiatives relating to older people that will be transferred to the Government after Brexit

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Potential implications of Brexit

Too early for an accurate assessment of the likely impact of Brexit on older people and the transfer of ageing-related policies and legislation back to the UK

Impact will depend on the terms of the Brexit plan

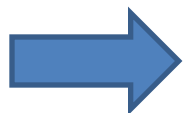
There are two major options: 'soft' where the UK remains in the European Economic Area (EU+EFTA); or 'hard' when it opts for a third-country status i.e. WTO-like solution



Will EU social and labour law-related standards still apply?

Depends on whether UK remains 'in' or 'out' the Single Market, i.e. free movement is accompanied by strong social protection rights:

- prohibition of any discrimination on grounds of nationality, i.e. Article 18 of the Treaty on the Functioning of the EU
- Above rule is complemented by the rules on coordination of the social security systems



EU has defined a variety of minimum standards in the areas of social polices and labour protection law – not all of them are biding, yet their status may change following the Brexit; These common EU benchmarks provide CSO with tools for pressure on national governments



Goodbye EU Anti-Discrimination Law? (*)

Since the UK joined the EU, EU legislation and EU Court of Justice judgments have frequently required improvements to UK anti-discrimination law, both with regard to the grounds introduced into UK law :

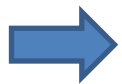
- before EU law (race in 1965, sex in areas beyond pay in 1975, disability in 1995); and
- after EU law, to implement directives adopted in 2000 (religion, age and sexual orientation)

(*) Robert Wintemute, King's Law Journal, 2016



Towards the supremacy of UK law

E.g. The UK Equality Act 2010 provides all the protection against discrimination in the workplace and in wider society because it meets the minimum requirements of EU law and goes beyond them in some areas



Will this be maintained once the UK Parliament is freed of the constraints of EU law?

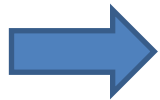
“Great Repeal Bill” – to end the authority of EU law by converting all its provisions in British law, i.e. repeal the 1972 European Communities Act giving direct effect to all EU law



EU vs. National Competence

Social and employment policy is one of the most controversial areas of EU competence:

Although MS have the sole responsibility for the organisation and delivery of social protection and related services in their country, the EU plays a significant part in improving social standards in Europe

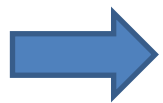


Older people and their organisations in the UK can for the time being refer to EU social benchmarks and use them in their advocacy work



EU social policies are gaining in importance

E.g. EU “Horizontal Social Clause” (Lisbon Treaty) proclaims that the EU has to take into account the guarantee of adequate social protection when implementing new policies



Key in the context of advocacy work on ageing, e.g. the clause recognises and respects the entitlement to social security benefits and social services to protect against dependency and old age



Employment

Employment Equality Directive is the first EU instrument that seeks to combat discrimination on the grounds of religion or belief, disability, age or sexual orientation (limited to employment and occupation). Moreover:

- **Europe 2020 Strategy:** “Agenda for New Skills and Jobs” and headline target to achieve 75% of employment rate for people aged 20-64
- **European Agenda for adult learning**
- **EU Framework for Health and Safety at Work 2014-2020**
- **Work-Life Balance** – on-going incl. active ageing and carers
- **Erasmus+ 2014-2020**, including support to activities in favour of older adult learners



Gender equality

Gender policies are necessary to mitigate the consequences of demographic ageing – various European texts are dedicated to gender equality including the following directives:

- 2004, Equal treatment between men and women in **the access to and supply of goods and services**
- 2006, Equal opportunities and equal treatment of men and women **in matters of employment and occupation**
- 2010, Equal treatment between men and women engaged **in an activity in a self-employed capacity**



Pensions

- **EU social security coordination rules protect people's rights when moving within the EEC (EU28 + EFTA)**

Retired workers get their statutory pension entitlements in accordance with the contributions paid no matter in which country they live and even if they paid their contributions in several countries

- **Special rules to protect the supplementary pension rights of mobile workers (occupational pensions)**



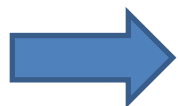
Outside the EEA, UK pensioners living abroad may no longer be sure to receive annual increases to their state pension, as the UK state pension will only be up-rated if there is a reciprocal social security agreement requiring this



Cross-border mobility of patients

EU directive on the rights of patients in cross-border healthcare – it complements the above mentioned coordination of social security systems in the EU

The **European Health Insurance Card (EHIC)** gives access to medically necessary, state-provided healthcare during a temporary stay in any of the EU+ EFTA. The card entitles to receive treatment under the same conditions and at the same cost (free in some countries) as people insured in that country



In case the UK leaves the EEA older people could lose this health care insurance coverage i.e. no longer eligible for cashless medical treatment in member states.

Moreover, the EU is planning to include LTC in the coordination of social security systems



Health issues and long-term care

- **Europe 2020: European Innovation Partnership on Active and Healthy Ageing. The initiative pursues a triple objective:**
 - enabling EU citizens to lead healthy, active and independent lives while ageing (increase by 2 years the Healthy Years Life indicator)
- **Fighting elder abuse in health and long-term care**
- **Pharmaceutical issues:**
 - The pharmaceutical sector is extensively regulated by the EU: Directive on clinical trials, legislations on falsified medicines, pharmaco- vigilance, information to patients on medicines



Social inclusion, well-being and participation

- **Europe 2020 flagship initiative on the fight against poverty and social exclusion**
 - At-risk-of-poverty rate and material deprivation rate
- **EU directive on minimum standards on the rights, support and protection of victims of crime (incl. elder abuse)**
- **EU Active Inclusion Strategy (working-age population):**
 - Adequate income support, inclusive labour markets and access to quality services
- **On-going debate on adequate minimum income**
 - Reference budgets to guarantee a dignified ageing



Accessibility

- **European Disability Strategy 2010-2020** setting out a series of actions to improve equality for persons with disabilities
- **UN Convention on the Rights of Persons with Disabilities**
- **European Accessibility Act** containing measures to improve the accessibility of goods and services in the European market
- **Europe 2020 Initiative ‘Digital Agenda for Europe’** – campaign on web-accessibility e.g. e-commerce, e-voting
- **EU Directive on the accessibility of the websites and mobile applications of public sector bodies**
- **Users’ involvement in standardisation bodies**



Consumers' rights

- **Consumers' Rights Directive**
- **Services Directive**
- **Data protection – EU legal framework**
- **Financial Services**
- **E-commerce Directive**
- **Passengers' rights**
- **Insurance Dialogue Group** – discussing barriers to access insurance and financial products





What about UK participation in EU agencies and bodies?

EU agencies and bodies develop knowledge and understanding through research and raising awareness of rights, which in turn provides additional support for stakeholders including older people's organisations

- Equinet, European Network of Equality Bodies
- European Institute for Gender Equality
- European Union Agency for Fundamental Rights
- European Medicines Agency
- Patients' and Consumers' Working Party
- Other...





Thank you!

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