

Freedom of Information request 650/2013

Received 11 February 2013

Published

Information request

This request relates to an agreement on Social Security between the government of the UK and the government of Australia signed on October 01 1990. Although terminated by the government of Australia on March 01 2001, relevant provisions of the agreement are treated as remaining in force for the purposes of taking into account a person's residence periods in Australia before that date. The European Commission takes the view that the residence clause contained in the agreement amounts to an unjustified restriction of the right of every Union citizen to reside and move freely in the territory of the member states.

The European Commission has initiated infringement proceedings against the United Kingdom by formal notice dated November 25 2011 and the United Kingdom announced that it was prepared to revise national guidelines and/or legislation in response to this instruction.

Is the Minister of State for Work and Pensions aware of this situation and what actions have been taken to avoid further steps in the infringement proceedings.

DWP response

Ministers decided that a citizen moving within the EU should not lose pension rights acquired by virtue of those provisions of the Social Security (Australia) Order 2000 which remain in force.

To that end the Department has undertaken to review relevant cases and to amend guidance and legislation as necessary.

Correspondence between the European Commission and the member states on such cases is generally regarded by both parties as confidential between them. This approach recognises that preserving the space for the conduct of frank and effective discussions and negotiation best ensures that Community law is implemented and upheld.