

The external dimension of EU social security coordination

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Valorisation Addendum

Why should we care about this research?

With an ageing population, the European Union is facing labour shortages' problems and growing deficit in the national social security systems. In that context, there is a need for labour migration coming from outside Europe. Labour migrant workers from third countries would permit to fill in the labour shortages as well as contribute as young forces to the social security systems of the EU Member States. Besides being an advantage for the EU Member States, labour migration must also be organised as to secure the rights of migrant workers. Especially, with regard to their social security contributions, it must be ensured that migrant workers will be able to get the benefits from their contributions. One way to make sure that the social security rights of migrant workers are protected is through the conclusion of social security agreement between the State of work and the State of origin of those migrant workers. Such agreement does not alter social security systems but rather build bridges between the different systems to help coordinate them.

Currently, the conclusion of social security coordination agreements is done by each EU Member State individually with third countries. There are differences concerning the content of those agreements as well as concerning the fact that not all EU Member States conclude agreements with third countries leaving migrant workers without any coordination instrument. In addition to the national approaches, the EU has concluded some agreements with third countries which include provisions on social security coordination. For example, in the context of the EU-Turkey Ankara Agreement, the EU and Turkey have concluded Decision 3/80 on social security coordination. The EU has also adopted Directives on labour migration targeting different types of migrant workers such as, e.g. highly-skilled workers (Blue Card Directive) or seasonal workers (Seasonal Workers Directive). Those Directives contain a provision on equal treatment which is relevant for social security coordination. The provisions of the EU Directives and the EU agreements with third countries offer different coverage and limitations of the social security rights of migrant workers. The European Commission, in a communication from 2012 on the external dimen-

sion of EU social security coordination, has described this current state of affairs as patchy.

This research aimed at exploring the current state of affairs and question its patchiness. It also aimed at proposing a way to render the situation less patchy. In the first part of this research, an analysis on the current legal instruments on social security coordination for third country migrant workers at national, EU and international level is conducted in order to identify the different reasons or elements for the patchiness or incompleteness of the system. In the second part of this research, a solution to the current state of affairs was proposed. The solution proposed consists in the development of an EU model agreement on social security coordination with third countries. The proposal includes elements of institutional importance such as what legal basis could be used for the EU to have competence in that field, or which institution should be involved in the drafting of the model agreement. The proposal also involves a discussion of the potential content of an EU model agreement. The content of the proposal reflects the finding of the first part of this research on the legal analysis of the different instruments at national, EU and international level. The comprehensiveness of the first part of this research coupled with the innovative proposal of the second part make this research unique for the field of social security coordination.

Who should care about this research?

Besides the academic value of this research, it has a strong relevance for the policy world. First, this research could be used by EU officials who would like to strive for coherency in the subject of EU social security coordination with third countries. Second, this research could also benefit the national authorities who conclude bilateral agreements with third countries as the model proposed is based on the best practices found at national, EU and international level. Additionally, the first part of this research on the analysis of the different instruments could be interesting for stakeholders working in the field of social security coordination, for example companies advising enterprises and their workers on their social security rights in different countries.

How would I disseminate my research findings?

During the course of writing my PhD, I already engaged on numerous occasions with my target audience.

First, the most relevant dissemination activity I organized was a workshop where I presented my research findings to stakeholders. This workshop was dedicated to my research topic and top-scholars in my field were invited to

contribute to this workshop. The name of the workshop “The External Dimension of EU Social Security Coordination” had the same name as a European Commission Communication from 2012. This choice of name for the workshop was meant to pique the interest of policy makers and national officers working in my field. Furthermore, the workshop was organised in Brussels in order to enable EU officials and national officials¹⁵⁶⁵ to reach the workshop easily. The workshop was a success with the attendance of officials from the European Commission, the European Parliament, national ministries, as well as stakeholders working in the field of social security. From this workshop, a special issue in the European Journal of Social Security is going to be published in 2018. In addition, in the course of my PhD project, I had many occasions to present and discuss my research with academics and policy makers.

Second, I met with several national officials who are (or were) concluding bilateral agreements on social security coordination. During those meetings, I had the occasion to exchange ideas and talk about my findings.

Third, in terms of publication, I found really important to publish my results targeting different part of the world. Indeed, although my research concerns the development of a common EU approach, that approach could influence the way Member States negotiate and conclude agreements with third countries. I already mentioned the upcoming special issue in the European Journal of Social Security. I also have an upcoming publication in the Indian Migration Report 2018 which is an influential series published yearly in India. Furthermore, after my PhD defense, I plan to publish the results in a book as well as write policy briefs to the relevant stakeholders.

Finally, research is not only valuable for the current stakeholders but also the future stakeholders. In that context, I am very much involved in teaching classes on my topic but also on the broader knowledge I have acquired throughout my PhD. I therefore teach EU law courses at the Faculty of Law and Faculty of Social Sciences in Maastricht but also have been given a guest lecture on the link between migration and social protection for a Master course in “Current debates in migration studies” at the University of Liège.

Pauline Melin

¹⁵⁶⁵ As a reminder, the EU Member States of which I compared the bilateral agreements were Belgium, the Netherlands and Germany.

