



# Reciprocal Healthcare Arrangement in a No Deal Brexit Scenario

Overview of the reciprocal healthcare arrangements within the context of the UK exiting the EU.



## Key Points

- Brexit continues to be a significant challenge for the NHS and social care in Wales, with no-deal presenting the biggest challenge.
- Protecting reciprocal healthcare rights remains [one of our key priorities](#) while we navigate our exit from the European Union.
- Reciprocal healthcare and citizen's rights would have been protected under the negotiated Withdrawal Agreements ([May](#) and [Johnson](#)). However, since these have yet to be accepted by the UK Parliament there has been a great deal of uncertainty around how UK nationals living the EU will receive healthcare, and vice versa. If the UK leaves the EU without a deal, many of these rights will no longer exist and could disrupt patient care.
- At a UK level, efforts have been made to protect reciprocal healthcare rights as much as possible without having a deal such as: passing legislation, encouraging all travelers to have the proper insurance cover, entering into some bilateral agreements and protecting UK national's healthcare who reside in the EU.
- EU citizens living in Wales will be able to access healthcare the same way they do now as long as they are residents of Wales, but regardless of whether or not they have applied for the Settled Status Scheme. If they are not ordinarily resident in Wales, they will be deemed an overseas visitor and may be charged for NHS services.
- Until a Withdrawal Agreement is passed, or other bilateral agreements / 'mini deals' are made with other countries, some level of uncertainty is likely to remain. Until arrangements are finalised, clinicians should continue to presume to treat EU nationals.

## Current reciprocal healthcare arrangements

Reciprocal healthcare arrangements have been a [central concern](#) to the public and healthcare providers in Wales, the UK and in Europe. While still current members of the EU, the UK receives many rights to [reciprocal healthcare arrangements](#):

- State pensioners have full access to healthcare in the country they retire to;
- The free European Health Insurance Card (EHIC) allows people temporarily visiting another member state to receive emergency healthcare;
- [Posted](#) (those who have been assigned by their employers to work in an EU state) and [frontier](#) workers can benefit from local healthcare rights;
- UK patients have the right to planned medical treatment in another EU/EEA country; and
- UK patients can purchase healthcare services across the EEA and apply for reimbursement from the UK.

Reciprocal healthcare rights would have been protected under the negotiated Withdrawal Agreements ([May](#) and [Johnson](#)). However, since these have yet to be accepted by the UK Parliament there has been a great deal of uncertainty around how UK nationals living the EU will receive healthcare, and vice versa. If the UK leaves the EU without a deal, many of these rights will no longer exist. In this situation, EHICs may no longer be valid depending on arrangements with individual countries. The UK Government is aiming to agree reciprocal healthcare arrangements either with the EU or with individual countries if there is a no-deal Brexit. The ending of reciprocal healthcare agreements could disrupt patient care, effectively leaving UK nationals in the rest of the EU currently in receipt of medical cover through the [S1 scheme](#) (certificate of entitlement) without healthcare. Under current rules, an S1 certificate helps EU nationals and their dependents be covered for healthcare while living in the UK.

## Current no deal reciprocal healthcare arrangements at a UK level

Without a deal while some reciprocal healthcare rights may continue through different mechanisms, they may not be available across the whole of the EU.

The UK Parliament has passed legislation, the [Healthcare \(European Economic Area and Switzerland Arrangements\) Act 2019](#), which include provision to make regulations to enable new reciprocal healthcare agreements with EU countries to be put in place, subject to consultation with the devolved administrations (under an agreed Memorandum of Understanding) on agreements covering areas of devolved competence. This will, if made, allow for the continuation of existing administrative arrangements in the UK should agreements be made with other countries and for the Secretary of State to maintain a list of healthcare agreements. The regulations have been developed and consented to by the UK Government and the devolved administrations, including the National Assembly for Wales, under the terms of the Memorandum of Understanding.

UK nationals travelling abroad (to EU and non-EU countries) after Brexit day are advised to arrange comprehensive travel insurance with necessary healthcare cover, since EHICs may no longer be valid.

The UK Government has proposed to each EU member state that, if the UK leaves without a deal, existing healthcare arrangements continue until 31 December 2020 in the same way that they do now. These arrangements will need to be finalised with all member states by the time the UK exits the EU (see Agreements with Other Countries for a list of EU member states where current reciprocal healthcare rights will be preserved in a no deal scenario). However if current arrangements cannot be agreed with all member states, the UK Government has confirmed that all UK nationals living in EU countries will have their [healthcare funded by the UK Government for a period of six months after the UK leaves the EU](#). Given the default leaving date of 31 October 2019, this means that provisions will be in place until 30 April 2020. This amounts to funding for around 180,000 UK nationals living in the EU and includes pensioners, students, those on disability benefits and UK workers temporarily posted in the EU.

UK Government has provided information online and the NHS Business Services Authority is sending a letter to S1 holders living in EU, EEA-EFTA Member States and Switzerland, encouraging individuals to consider their circumstances and options and to take the necessary steps to ensure they have appropriate coverage in place.

The UK Government has also committed to covering the costs of UK nationals in the EU who are in the middle of treatment when we leave the EU, for up to a year. In addition to this, the UK Government has committed to:

- Cover the healthcare costs for students who began their courses in the EU ahead of 31 October for the duration of their course;
- Cover the healthcare costs of UK visitors to the EU who commenced their trip before the UK left the EU until they return to the UK; and
- Ensure that people currently insured by the UK living in the EU can return to use the NHS temporarily in England, Wales and Scotland free of charge.

While this arrangement is welcomed by the NHS service and patients in the period immediately following Brexit, [uncertainty remains](#) around what will happen after the six-month period. The best way of guaranteeing that patients are protected in future will be through a negotiated deal.

## Agreements between the UK and other countries

Until a deal is passed, there can be little negotiations with the EU. The UK Government has released several pieces of guidance on what this means through bilateral agreements. While the EU has been clear it does not want to enter into [‘mini-deals’](#), they have already announced technical adjustments of contingency measures for transport and fishing authorisations. A technical adjustment for health would demonstrate the EU’s commitment to doing everything possible to protect the lives and wellbeing of citizens both in the UK and the rest of Europe.

The UK and [Spain](#) have each taken steps to ensure that people living in each country can continue to access healthcare as they do now until at least 31 December 2020. This means that patients healthcare access will remain the same after 31 October 2019, whatever the Brexit scenario.

The UK has agreed citizens’ rights agreements with [Norway, Iceland, Liechtenstein](#) and [Switzerland](#), which will apply if there is a no deal EU Exit. These agreements mean that citizens of these countries living lawfully in the UK on the day the UK leaves the EU will be able to use the NHS as they do now.

Irish citizens who live in the UK, and British citizens who live in [Ireland](#), will continue to have healthcare cover in the country they live in after Brexit under the Common Travel Area

## Current no deal reciprocal healthcare arrangements at a Wales level

Even in a no deal situation, EU citizens living in Wales will be able to access healthcare the same way they do now. This will apply as long as they are residents of Wales, but regardless of whether or not they have applied for Settled Status. EU nationals will be able to access free NHS treatment in Wales until the UK leaves the EU if they are ordinarily resident in Wales. If they are not ordinarily resident in Wales, they will be deemed an overseas visitor and may be charged for NHS services.

If EU nationals are living in Wales on the day the UK leaves the EU, their S1 will still be valid in Wales after that date. S1 certificates can continued to be applied for until the UK leaves the EU. However, it may not be valid if EU nationals arrive in Wales after exit day, depending on what arrangements have been reached with the EU or individual countries.

Until arrangements are finalised, clinicians should continue to presume to treat EU nationals. The [National Health Service \(Charges to Overseas Visitors\) \(Amendment\) \(Wales\) \(EU Exit\) Regulations 2019](#) was passed and corrected references to EU law and made provision on the chargeable status of EEA State and Swiss visitors using NHS services in Wales in a no-deal scenario.

The amendments will ensure specified categories of visitors from EU/EEA States and Switzerland remain exempt from charging for particular NHS care. The amendments are also required to maintain the current exemptions in the [Principal Regulations following the making of the Social Security Coordination \(Reciprocal Healthcare\) \(Amendment etc\) \(EU Exit\) Regulations 2019 \(SI 2019/776\)](#). These regulations:

- Preserve the existing right for individuals who are ordinarily resident in an EEA State or Switzerland to receive NHS care without charge in circumstances where they either held or be eligible for a UK-issued reciprocal healthcare document on exit day;
- Provide an exemption from charges for needs arising treatment received by frontier workers when pursuing an activity as an employed or self-employed person in the United Kingdom which the person began before Exit day;
- Provide an exemption from charging for planned treatment provided to EEA or Swiss visitors on or after Exit day which is part of a course of treatment which was authorised before Exit day;
- Provide an exemption from charges for overseas visitors for relevant services covered by a reciprocal agreement with an EEA State or Switzerland which comes into effect on or after Exit day; and
- Remove EU references contained in the Principal Regulations that may no longer be operable or coherent after Exit day.

## Conclusion

Protecting reciprocal healthcare rights remains [one of our key priorities](#) while we navigate our exit from the European Union. It is reassuring that some policies have been in place at a Wales and UK level that protect, as much as possible, the reciprocal healthcare rights of both UK and EU nationals in their place of residence in the period immediately after Brexit.

In Wales, EU citizens will continue to be access healthcare the same way they do now, as long as they are residents of Wales. However, until a Withdrawal Agreement is passed, or other bilateral agreements / 'mini deals' are made with other countries, some level of uncertainty is likely to remain.

## Contact Details

Vickie Hage

Brexit Programme Support Officer, Welsh NHS Confederation

[brexitfaqs@welshconfed.org](mailto:brexitfaqs@welshconfed.org) | 02920 349850

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