



CHAMBRE DES SALAIRES
LUXEMBOURG

CSL Memo

Brexit: what changes (or does not change) for you!

Situation as per 1 February 2020

Luxembourg, 10 February 2020

The agreement on the withdrawal of the United Kingdom (UK) from the European Union (EU) of 24 January 2020 took effect on 1 February 2020.

The full text of the agreement is available to be consulted [online](#). However, finding your way around the +180 pages may prove a challenge... To help you see clear, **the Chambre des salariés (CSL) is happy to provide a summary outline of what will be changing (or will not be changing) for British and EU employees and citizens.**

The information provided is based on official sources, run by the British and Luxembourg governments and the European Commission.

Nothing changes until the end of the transition period... beyond that, it all depends!

The UK left the EU on **31 January 2020 at midnight**. **1 February 2020** marked the start of a **transition period** which is set to last until **31 December 2020**. This period may be **extended** once, for a maximum two-year duration, by joint decision of the EU and the UK to be taken before 1 July 2020.

Until the end of the transition period, nothing changes for citizens and businesses, whether in the EU or in the UK.

The withdrawal agreement:

- upholds the **right of EU citizens to live in the UK and to continue their current activities in the UK, and upholds the same rights for UK nationals in the EU Member States;**
- ensures the continuation of **trade and business links** same as before.

The UK is no longer represented in the institutions and other bodies of the EU, but **Union law continues to apply** to the UK and on its territory **until the end of the transition period**.

The EU and the UK will now move to negotiate their future relations. This **future framework will apply to private citizens and businesses after the transition period has expired**.

For citizens

British nationals and their family members retain their right of residence in the other Members States of the EU at the time of the UK's withdrawal. The agreement sets out a transition period which will end **on 31 December 2020**, during which the **rules on the free movement of persons will continue to apply** to British nationals and to the members of their family.

In the Grand Duchy of Luxembourg, the following **people come under the scope of application of the withdrawal agreement**:

- British nationals who reside in Luxembourg at the time of the UK's withdrawal from the EU and the members of their family (regardless of their nationality);
- British nationals, and the members of their family, arriving in Luxembourg after the withdrawal and before the end of the transition period;
- People who are family members of a British national as intended in either of the two points above and who arrive in Luxembourg after the transition period has ended:
 - if the family connection with the British national who has right of residence under the withdrawal agreement, was already established before the end of the transition period;
 - or
 - if these are children born after the transition period.

British nationals as well as the members of their family who come under the scope of application of the withdrawal agreement have the same rights as the citizens of the EU and the members of their family, and retain these rights even after the end of the transition period set out in the agreement.

The right of residence is subject to the same terms as those which British nationals face when they were still EU citizens. As such, the right of residence may be withdrawn if that person becomes an unreasonable burden on the social security system, in the case of abuse of rights or fraud, or for public order or public security reasons.

After having lived in Luxembourg for 5 years, British nationals have permanent right of residence. This means that the right of residence may be withdrawn only on serious grounds that are to do with public order or public security. Once the transition period has ended, the permanent right of residence is forfeited if that person has been continuously absent from Luxembourg for 5 years.

It should be noted that, after the transition period has ended, the right of residence is valid only in the country of residence, which is Luxembourg in this case.

Please note that British nationals who have dual citizenship/nationality, i.e. citizenship of a different EU Member State, Norway, Iceland, Liechtenstein or Switzerland, may exercise the rights under their second nationality, which means they are not affected by the withdrawal agreement.

Your social security entitlements

The withdrawal agreement sets out that the European regulations regarding the coordination of social security benefits/systems continue to apply in full until the end of the transition period.

This means nothing changes in terms of social security entitlements until 31 December 2020.

Beyond this transition period, in principle the European legislation ceases to apply. However, the withdrawal agreement sets out that the European regulations on the coordination of social security benefits/systems will continue to apply to certain categories of people, even after the transition period has ended. These arrangements will therefore continue to protect the entitlements of people who have exercised their right to free movement before the end of the transition period. This particularly relates to the British citizens who live in Luxembourg at the time when the transition period ends.

Further information on these situations will be published in due course on the website of the Luxembourg government (gouvernement.lu).

Your other rights

British nationals and the members of their family who come under the scope of application of the withdrawal agreement have the same rights as EU citizens in the areas of:

- access to the labour market;
- the recognition of academic (register of diplomas) and professional qualifications (recognition of professional qualifications with a view to gaining access to regulated occupations);
- the benefit of financial assistance for those enrolled in higher education;
- access to government and civil service jobs.

Your rights as a British employee ...

... residing in Luxembourg

The withdrawal agreement sets out that **British nationals who reside in Luxembourg** and the members of their family who come under the scope of application of the agreement, have the same rights as the EU citizens in respect of having access to the labour market.

This means that British nationals and the members of their family who live in Luxembourg and who perform **paid work in Luxembourg at the time of the UK's withdrawal from the EU** may **continue to work in the Grand Duchy after the withdrawal**. They do not require any specific authorisation, nor are they required to take any steps to be allowed to continue to work in Luxembourg.

British nationals and the members of their family who live in Luxembourg at the time of the UK's withdrawal from the EU also have the right to start paid work after the withdrawal without requiring any specific authorisation.

The residence document of those concerned remains valid pending its replacement by a new document which will attest to their capacity as beneficiaries of the withdrawal agreement.

British nationals and the members of their family who arrive in Luxembourg after the UK's withdrawal and before the end of the transition period also have free access to the labour market.

People who were **family members of a British national** who lives in Luxembourg before the end of the transition period and **who arrive in the Grand Duchy after the transition period has ended are also beneficiaries of the withdrawal agreement provided** that the family connection had already been established before the end of the transition period. In that case, they will have free access to the labour market. Upon arrival, they will be handed a residence document which attests to their capacity as beneficiaries of the withdrawal agreement.

British nationals arriving after the transition period has ended and who fail to meet these requirements will not have free access to the labour market. These people will be subject to the rules that govern access to the labour market for third country nationals. As such, they will be **required** to hold a **residence permit**, for one of the categories set out in the amended Act of 29 August 2008 on the free movement of persons and immigration, which will allow them to perform paid work.

... working as a cross-border employee

British nationals who either reside in another EU Member State or in the UK and who work in Luxembourg are allowed to perform their paid work in Luxembourg, if this paid work started before the end of the transition period.

The cross-border employees concerned may apply for a document that attests to their right to perform their paid work in Luxembourg after the transition period has ended.

British nationals who either reside in another EU Member State or in the UK and who wish to take up work in Luxembourg **after the transition period has ended** will be subject to the rules that govern access to the labour market for third country nationals. As such, they will be **required** to hold a **work permit** and will be required to wait to be issued with such a permit before being allowed to start work in Luxembourg.

More details are to be published in due course on the website of the Luxembourg government (gouvernement.lu).

Interns who are British nationals

British nationals who wish to do an internship in Luxembourg **after the withdrawal of the UK may embark on such an internship without requiring any specific authorisation.**

They are subject to the general rules which apply to the right of residence for British nationals, as set out in the withdrawal agreement. These requirements are similar to those in place for EU citizens for a stay that is shorter or longer than 3 months. In principle, this applies to **all British nationals living in Luxembourg at the time of the UK's withdrawal from the EU, as well as to British nationals arriving in Luxembourg during the transition phase.**

British nationals who started an **internship before the UK's withdrawal may continue this internship** after the withdrawal. They do not require any specific authorisation, nor are they required to take any particular steps.

British nationals arriving **after the transition period has ended and who are not beneficiaries of the withdrawal agreement** will be considered as third country nationals. As such, they will be **required** to hold a **residence permit**, for one of the categories set out in the amended Act of 29 August 2008 on the free movement of persons and immigration, which will allow them to perform an internship in Luxembourg.

This also applies to British nationals who have right of residence under the withdrawal agreement in another Member State, whereas the right of residence as set out in the agreement is valid only in the country of residence.

The explanations provided in the above paragraphs also apply to third country nationals and the family members of British nationals.

Posted workers

All posted workers working in Luxembourg, **regardless of their nationality, must be reported** as soon as they take up their duties in Luxembourg by their employer/company whose registered office is established outside of the Grand Duchy.

Beneficiaries of the Erasmus+ programme

The withdrawal agreement sets out that the UK **will continue to take part in the 2014-2020 Erasmus+ programme**, as though the UK were an EU Member State, until the programme ends. The possible involvement of the UK in the future programmes of the EU after 2020 will depend on the outcome of the overall negotiations on the future relations between both parties.

However, the UK will remain in the European Higher Education Area (Bologna process). As such, the ECTS credits (European Credit Transfer and Accumulation System) obtained at a British educational institution remain valid in the EU.