

EFFECTS OF BREXIT ON HEALTHCARE FOR BRITISH NATIONALS

After Brexit, various doubts arose in Social Law area about the right to healthcare, especially with what is happening in times of the COVID-19 pandemic.

The right to healthcare was guaranteed until December 31st, 2020 by the Withdrawal Agreement of November 20th, 2019 between the European Union (EU) and the United Kingdom (UK). However, this right continues maintained after January 1st, 2021 with the Social Security Coordination Protocol¹ for British and European nationals.

SCHEDULED TREATMENTS

In respect of scheduled treatments, they will not be affected and will continue as established in the Community Regulations².

TEMPORARY STAYS

For temporary stays such as tourist or work trips, health provisions similar to those provided previously will be guaranteed, so it will continue to be covered for those British nationals who need to travel to Spain if they have the European Health Insurance Card (if it is still in force) or the Global Health Insurance Card. In addition to those mentioned, it has been recommended obtaining travel or health insurance, since health care could be excluded on certain services or treatments such as medical

¹ Acuerdo de Comercio y Cooperación entre la Unión Europea y la Comunidad Europea de la Energía Atómica, por una parte, y el Reino Unido de Gran Bretaña e Irlanda del Norte, por otra, de 29 de diciembre de 2020, DOUE, 31. Además, ya se recogían medidas provisionales de adaptación en el Real Decreto-ley 38/2020, de 29 de diciembre en su artículo 11 en materia de asistencia sanitaria que solo mantendría su aplicación hasta la entrada en vigor del Acuerdo entre la Unión Europea que recoge dicha materia.

² https://europa.eu/youreurope/citizens/health/when-living-abroad/health-insurance-cover/index_es.htm

repatriation or mountain rescue, to put some examples³. If a UK national does not have any of them, he would need to apply for a Provisional Replacement Certificate (PRC) or face the possibility of being asked for payment of the health care services received or, in some cases, the Spanish administration could claim such costs to the British administration⁴.

PERMANENT RESIDENTS

Spanish health care is guaranteed to UK citizens who already reside or will reside in Spain for more than three months. All residents in Spain need to be registered to access free basic services using the health insurance card provided but there are some services that patients need to pay for, such as prescriptions⁵. Before their registration, UK citizens must show proof of healthcare cover as social security contribution if they are working. If they are not working but have been residing for five years or more, they can apply for permanent residency which will provide them access to Spanish healthcare. If they are not working and have no permanent visa but are registered at the local town hall for at least one-year, they can apply for “*Convenio Especial*” paying a monthly fee⁶.

CROSS-BORDER WORKERS

Finally, for UK cross-border workers⁷, as in the case of Spain and Gibraltar, they will continue to access to health care within the scope of the Community Regulations, meanwhile the negotiation about post Brexit rights continues. Generally, UK cross-border workers will obtain healthcare in the country where they are insured. In the case of UK cross-border workers willing to export their right of healthcare to the

³ Puede obtener más información sobre las coberturas que ofrecen y cómo aplicar: <https://www.nhs.uk/using-the-nhs/healthcare-abroad/apply-for-a-free-uk-global-health-insurance-card-ghic/>

⁴ <https://www.gov.uk/guidance/healthcare-for-uk-nationals-visiting-spain>

⁵ <https://www.gov.uk/guidance/healthcare-in-spain-including-the-balearic-and-canary-islands>

⁶ <https://www.gov.uk/guidance/healthcare-in-spain-including-the-balearic-and-canary-islands#posted-worker>

⁷ https://europa.eu/youreurope/citizens/work/unemployment-and-benefits/country-coverage/faq/index_es.htm#:~:text=Los%20trabajadores%20transfronterizos%20suelen%20estar%20asegurados%20del%20pa%C3%ADs%20donde%20trabajas

country of residence at Gibraltar, they can submit the *S1 form* at the office of the health insurance body in Gibraltar⁸.

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⁸ https://europa.eu/youreurope/citizens/work/social-security-forms/index_es.htm
<https://www.gov.uk/guidance/healthcare-in-spain-including-the-balearic-and-canary-islands#posted-worker>