ADVISORY DECISION No. 04/2025

of the Joint Administrative Committee established by Article 69 of the Convention on Social Security Coordination between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation

of 27 November 2025

as regards defining the benefits covered by Article 22(1) and 29(1) of the Convention and Article 22 (3) of Annex 1 to the Convention

THE JOINT ADMINISTRATIVE COMMITTEE,

Having regard to Article 69(2) and (3) of the Convention, under which the Joint Administrative Committee is responsible for monitoring, reviewing the interpretation, implementation and application of the Convention and may make recommendations in respect thereof and may adopt decisions in respect of all matters where the Convention so provides,

Having regard to Articles 22(1) and 29(1) of the Convention,

Having regard to Article 22 (3) of Annex 1 to the Convention,

Whereas:

(1) Pursuant to Article 69(2) of the Convention, the Joint Administrative Committee has the power monitor and review the interpretation, implementation and application of this Convention and make recommendations in respect thereof.

(2) According to Articles 22(1) and 29(1) of the Convention, an insured person is entitled to receive during a temporary stay in the State other than the State of residence, benefits in kind which become medically necessary, taking into account the nature of these benefits and the length of stay.

(3) According to Article 22(3) of Annex 1 to the Convention, the benefits referred to in Article 22(1) of the Convention shall refer to the benefits in kind which are provided in the State of stay, in accordance with its legislation, and which become necessary on medical grounds with a view to preventing an insured person from being forced to return, before the end of the planned duration of stay, to the competent State to obtain the necessary treatment.

(4) Article 22 (3) of Annex 1 to the Convention has to be interpreted in such a way that all benefits in kind provided in conjunction with chronic or existing illnesses are covered by this provision. The Court of Justice of the European Union ruled[1] that the concept of 'necessary treatment' cannot be interpreted as 'meaning that those benefits are limited solely to cases where the treatment provided has become necessary because of a sudden illness. In particular, the circumstance that a treatment necessitated by developments in the insured person's state of health during his temporary stay in the State of stay may be linked to a pre-existed pathology of which he is aware, such as a chronic illness, does not mean that the conditions for the application of these provisions are not fulfilled'.

(5) Article 22 (3) of Annex 1 to the Convention has to be interpreted in such a way that benefits in kind provided in conjunction with pregnancy and childbirth are covered by this provision. However, this provision does not cover the situation where the aim of the temporary stay abroad is to give birth.

[1] 3) Case C-326/00, Ioannidis, judgement of 25 February 2003.

(6) Pursuant to Article 22(2) of the Convention, the Joint Administrative Committee shall list benefits in kind which, in order to be provided during a stay in the other State, require for practical reasons a prior agreement between the person concerned and the institution providing the care.

(7) The objective of the prior agreement provided for in Article 22(2) of the Convention is to guarantee the continuity of the treatment needed by an insured person in the State of stay.

(8) In the light of this objective, the essential criteria for defining the benefits in kind requiring a prior agreement between the patient and the unit providing care in the State of stay are the vital nature of the medical treatment and the fact that this treatment is accessible only in specialised medical units and/or by specialised staff and/or equipment. A non-exhaustive list based on these criteria is given in the Annex to this Advisory Decision.

HAS ADOPTED THIS ADVISORY DECISION:

Article 1

1. The benefits in kind to be provided under Articles 22(1) and 29(1) of the Convention and 22 (3) of Annex 1 to the Convention shall include benefits provided in conjunction with chronic or existing illnesses as well as in conjunction with pregnancy and childbirth.

2. Benefits in kind, including those in conjunction with chronic or existing illnesses or in conjunction with childbirth, are not covered by these provisions when the objective of the stay in the State of stay is to receive these treatments.

3. Any vital medical treatment which is only accessible in a specialised medical unit and/or by specialised staff and/or equipment must in principle be subject to a prior agreement between the insured person and the unit providing the treatment in order to ensure that the treatment is available during the insured person's stay in the State of stay.

   A non-exhaustive list of the treatments which fulfil these criteria is given in the Annex hereto.

Article 2

This Advisory Decision shall enter into force on the date of its adoption and shall apply from the date of entry into force of the Convention.

Annex

- kidney dialysis
- oxygen therapy
- special asthma treatment
- echocardiography in case of chronic autoimmune diseases
- chemotherapy

Done at Bern and London, on 27 November 2025

For the Joint Administrative Committee

The Co-Chairs

Stephan Cueni

Mike Haslam