

## **Model letter or e-mail to Member of European Parliament**

Dear Miss/Mrs/Ms/Mr/Dr .....,

### **French pension entitlement certificates (“certificats de vie”)**

As one of your constituents, I wish to draw your attention to the unlawful conditions that the French authorities are now imposing on the payment of French pensions to many thousands of elderly and vulnerable UK residents including myself, and to request you to take action in this matter in the European Parliament.

An elderly pensioner, I have been resident in the UK for the last [number] years. I draw pensions from [number] French pension institutions which form part of France’s social security pension system.

Some of these institutions are now requiring me to provide each of them, at least once a year, with a certificate (“certificat de vie”) authenticated only by the French consular authorities in the UK, under penalty of suspension of my pension.

This requirement is inflicting hardship on me because I live [number] kilometres from the nearest French consulate, [I have limited mobility] and my doctor charges £ [number] for each medical certificate that I would need in order for the Consulate General to authenticate each certificate by post. Some pensioners are finding these conditions too stringent to fulfil and are thus being forced to relinquish some of their French pensions altogether.

Because the form (“CERFA 11851”) being imposed by the French authorities does not allow for authentication by the UK authorities, I consider such a requirement to be an infringement of EC Regulation 987/2009, Article 5 (1), and of EC Regulation 883/2004.

At the same time, beneficiaries of French pensions living in France are allowed to prove their entitlements by self-certifying a different form (“CERFA 11753”) without the need for any authentication.

I question whether this application of different rules according to whether the beneficiary lives in France or in another EU State is justified by EC Regulation 883/2004 or EC Regulation 987/2009.

Moreover, insofar as the more stringent rules applicable outside France are more likely to affect non-French citizens than French nationals,

whilst the less stringent ones applicable within France are more likely to affect French citizens than non-French nationals, I consider this practice to be discriminatory and therefore contrary to the right to equal treatment provided for in EC Regulation 883/2004, Article 4.

Such discrimination cannot be justified by the need to avoid fraud because adequate means to verify the validity of any document are provided under EU law by EC Regulation 987/2009, Articles 5 (2), (3) and 5 (4).

Both the forms referred to (CERFA 11753 for pensioners resident in France and CERFA 11851 for pensioners resident abroad) are referenced on, and downloadable from, the official French government website <http://vosdroits.service-public.fr/F2543.xhtml> as the only forms available for use by pension institutions.

I should therefore be grateful if you would ask the European Commission:

- whether it is aware of the fact that French pension funds are requiring their beneficiaries resident in the UK to provide each of them at least annually with a "certificat de vie" authenticated by the French consular authorities in the UK and are refusing authentication by the UK authorities;
- whether it is aware of the fact that the French authorities do not impose such a requirement on French pensioners resident in France, who are allowed to self-certify their "certificats de vie";
- whether it considers that the demand made by the French pension authorities for consular authentication of "certificats de vie" in the UK is compatible with EC Regulation 987/2009, Article 5 (1), and with EC Regulation 883/2004; and
- whether it considers that, in discriminating between pensioners according to whether they live in France or in another EU State, and therefore to an appreciable extent according to their nationality, France's action is compatible with the right to equal treatment provided for in EC Regulation 883/2004, Article 4.

I am also lodging a formal complaint against France with the European Commission. Such complaints require, however, many months to investigate and resolve. Meanwhile, numerous French pensioners resident in the UK are suffering hardship.

The matter is therefore urgent. That is why your action in the European Parliament will be instrumental in persuading the French authorities to put a speedy end to this intolerable situation.

Yours sincerely,

[Name]

[Full postal address]