

Model letter or e-mail to Member of UK 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 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), 5 (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 Minister for Europe whether he is aware of the fact that French pension funds are inflicting hardship on vulnerable and elderly requiring UK residents by unlawfully demanding French consular authentication for "certificats de vie" and that they are unlawfully refusing authentication by the UK authorities;
- request the Minister to remind France urgently of its obligations under EU law and to seek assurances that demands for UK residents to obtain French consular authentication for "certificats de vie" will cease forthwith;
- request the Minister to assure the French authorities that Her Majesty's Government remains fully committed to participating in the anti-fraud verifications provided for in EC Regulation 987/2009, Articles 5 (2), 5 (3) and 5 (4); and
- request the Minister to impress upon his French counterpart that France should therefore allow UK-resident beneficiaries of the French pension system to self-certify their entitlements (in the same way as the Department for Work and Pensions does for its foreign-resident pensioners and as the French authorities do for their pensioners resident within France)

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 Parliament, and that of the Minister for Europe in consultation with his French counterpart, will be instrumental in persuading the French authorities to put a speedy end to this intolerable situation.

Yours sincerely,

[Name]

[Full postal address]