



### ***Are Our Politicians Listening?***

The main objective of ECREU is to ensure that Politicians at Westminster are on our side. Fortunately, our people are well connected and in some cases, able to call on old contacts, both social and professional. But ensuring the MPs and Peers actually read our letters and emails - yet alone take any real interest - is most difficult.

We have written to all 42 MPs who signed the Early Day Motion EDM 259 headed 'Status Of British Citizens Resident In The EU And EU Citizens Resident In The UK' and tabled in June this year.

The list included 1 Conservative, 21 Labour, 5 Lib-Dems, 1 Green, 2 Independents, 11 SNP, and 1 Plaid Cymru.

We have also contacted the Peers Lenden (Conservative), Tyler (Lib Dems) and Kinnock (Labour) plus other MPs we have existing contact with, including Sir Roger Gale (Conservative), Barry Sheerman (Labour), Chris Bryant (Labour), Tom Sheppard (SNP) and Oliver Letwin (Conservative).

It is possible some of our letters went astray as they were sent when we set up ECREU back in August, when they were all away on the Summer Recess. But we are now getting some replies:

*Tom Brake MP (Liberal Democrat): I will look forward to working with you on the issue of UK citizens in other EU countries. I was very interested to see the statistics you have collated.*

*Lord Paul Tyler (Liberal Democrat): I was delighted to hear from you, and very much appreciate all your timely advice and comprehensive data on this issue.....(he continues on the subject of the vote) ...Put yourself in the shoes of the individual Constituency MP; faced with the problems, concerns and special interests of some 75,000 constituents on his or her doorstep how many will give appropriate attention to a few dozen potential voters, with perhaps very different interests, living many hundreds of miles away? I had 87,000 eligible electors in my North Cornwall constituency: I have to confess that I was never even aware of the number of expatriates registered on our electoral roll. This is why the Commons will be reluctant to simply remove the 15 year limit.*

*From Oliver Letwin MP (Conservative): I am convinced that the Government will focus heavily on the situation of ex-pat UK citizens living in the EU as part of the Brexit negotiations..... So, ..I will certainly speak up if there is any sign of UK citizens in the EU being disadvantaged as a result of Brexit.*

### ***Of course, we won't leave it there!***

**Getting to people who may not want to know is not easy. But follow-up letters have been sent and our people are chasing personal contacts.**

**Meanwhile, best advice to you is please be patient. Despite what some EU politicians may be saying, much of it is just posturing, especially with several facing elections in the not too distant future. Also, Brexit negotiations will take a long time, so we still have plenty of opportunity to make ourselves heard.**

*Brian Cave - briancave@ecreu.com*

### ***Rallying the Troops!***

ECREU takes a professional approach of direct and personal contact rather than bulk mailing and 'cold calling', but you can help by contacting your own MPs and Peers. You can find their email or postal addresses by copying and pasting this link into your web browser: [www.parliament.uk/mps-lords-and-offices/mps/](http://www.parliament.uk/mps-lords-and-offices/mps/)

Please remember that MPs and Peers receive considerable volumes of mail, so your message needs to be short and to the point if it is to have any impact, or be read at all.

Many of you have written to us in some detail about your very real worries. Others have just made short but to-the-point comments about issues you want brought out in the open and to the head of the negotiator's lists – from protecting pensions to pet passports. Whatever your concern, write to your MP telling them you are a member of ECREU and that you also want to make a personal appeal.

As an ECREU member, you are part of a significant group of more than 3,750 expats from 23 EU countries, so if all members contact their MP, it can only support our cause.

## Triggering Article 50 - High Court hearings this week...

**Constitutionally important cases currently before the High Court in London about the triggering of Article 50, will be heard on 13, 17 and 18 October 2016.**

These cases concern the proper democratic process to be followed after the EU Referendum vote; that Parliament should be involved in any decision to trigger Article 50 and to start the formal withdrawal process from the EU.

Government lawyers argue, however, that the Prime Minister can simply invoke Article 50 without reference to Parliament under the royal prerogative.

On 19 July, the High Court, hearing submissions from claimants in these cases, ordered that there should be a lead claim, that being brought by Gina Miller (see below). Other potential claimants were then given permission either to act as interveners or interested parties in that case or to bring claims in parallel.

In other words, there is one case, with a lead claimant supported by other claimants.

The High Court also ruled in July that, depending on the outcome of the hearings this week and next week, there could be a 'leapfrog' appeal to the Supreme Court by December 2016, or an appeal to the Supreme Court without having to go through the Court of Appeal first. This was due to the constitutional importance of the questions raised.

### **The claims**

Lead Claim: Gina Miller, represented by Mishcon de Reya, who has appointed David Pannick QC and others as counsel in the case. For more, see Q&A from this link: <https://www.mishcon.com/qanda>

Deir Tozetti Dos Santos, whose claim has been joined to the lead claim, represented by Edwin Coe LLP and Dominic Chambers QC. See press from this link: <http://www.edwincoe.com/brexit-court-challenge-celebrated/>

### **Interested parties in the case**

Several individuals, including a British citizen living in France, Grahame Pigney, and others living in the UK and abroad, represented by Bindmans and Helen Mountfield QC (the 'People's Challenge'). See <https://www.bindmans.com/news/concerned-citizens-launch-peoples-challenge-to-government-on-article-50>.

They are self-funding and have a crowd justice campaign; <https://www.crowdjustice.co.uk/case/parliament-should-decide/>

On 28 September, the People's Challenge won their bid to force the government to disclose their defence arguments in the case: <https://www.bindmans.com/news/peoples-challenge-group-win-right-to-publish-secret-government-defence-in-b>

Interveners: Fair Deal for Expats, a group of British citizens living in France, representing the rights of expats and represented by Croft Solicitors and Patrick Green QC, Henry Warwick and Matthieu Grégoire of Henderson Chambers: <http://www.croftsolicitors.com/fair-deal-for-expats/>

Fair Deal for Expats has also brought a case against President Juncker's ban on preliminary discussions about the Brexit negotiations between the UK and the European Commission before the European courts and also have a crowd justice campaign: <https://www.crowdjustice.co.uk/case/juncker/>

### **LATEST...**

**In the meantime, there has been movement in Parliament about Parliament's involvement in the post-Brexit vote process.**

**An urgent question has been asked in the House of Commons (ironically by a pro-Leave Conservative MP) about parliamentary consultation on the terms of the Brexit negotiations.**

**As I write, there is growing momentum for the view that Parliament must be consulted on the terms of the negotiations, not just the final deal.**

**Keir Starmer, Labour's shadow Brexit minister is demanding a vote on the government's negotiating position.**

**There will be an opposition debate on Brexit on Wednesday 12 October.**

*Jane Golding*

## ***Healthcare after Brexit for the elderly Brit. in the EU***

Britain was charged £674,418,036 during the year 2014-15 by other EU states for medical costs for the British Citizens resident in, or visiting, their countries. The highest was for Spain with a bill of £223,290,021, then Ireland with £215,313,962 and France with £147,685,772.

In reverse, Britain charged the other States a total of £49,736,125 the difference being £624,681,911 against the UK.

A small fraction of these sums deal with the costs engendered by the use of the European Health Insurance Card by holiday makers, but mostly from the costs of healthcare of pensioners resident in each of the 30 countries of the EU/EEA. This is the full list for 2014/2015 (for some bureaucratic reason the figures for a few countries are not listed)

	<i>Member State Claims against UK</i>	<i>UK Claims against EEA, Switzerland</i>		<i>Member State Claims against UK</i>	<i>UK Claims against EEA, Switzerland</i>
Austria	£5,473,017	£366,756	Latvia	£14,725	£300,319
Belgium	£5,816,026	£4,323,308	Liechtenstein	£193	£0
Bulgaria	£255,924	£363,911	Lithuania	£283,625	£293,616
Cyprus	£10,132,385	£347,045	Luxembourg	£683,410	£75,151
Czech Republic	£617,758	£471,140	Malta (Waiver)	N/A	N/A
Denmark (Waiver)	N/A	N/A	Netherlands	£8,655,688	£3,251,412
Estonia (Waiver)	N/A	£154,928	Norway (Waiver)	£30,370	£0
Finland (Waiver)	£10,047	£243,740	Poland	£4,336,701	£1,523,402
France	£147,685,772	£6,730,292	Portugal	£6,351,400	£700,653
Germany	£25,873,954	£2,189,664	Romania	£13,330	£498,354
Greece	£2,682,953	£1,732,047	Slovakia	£438,715	£124,348
Hungary (Waiver)	£412	£22,196	Slovenia	£266,623	£107,948
Iceland	£295,943	£11,331	Spain	£223,290,021	£3,412,338
Ireland	£215,313,962	£19,214,031	Sweden	£1,918,038	£1,367,213
Italy	£7,304,484	£1,510,850	Switzerland	£6,672,560	£400,131
			<b>Total</b>	<b>£674,418,036</b>	<b>£49,736,125</b>

The above total of £674 million becomes more interesting if compared with the number of pensioners receiving the UK State pension resident in each country:

Ireland > 135,000 (It is suspected that a proportion of these are Irish citizens)  
 Spain > 108,000  
 France > 69,000

### **Common Misunderstandings**

Some people in EU States believe that the British pensioners have healthcare provided at the cost of the local EU State. This is not so. Others imagine that the EU workers in the UK and conversely the UK workers in EU States are a strain on the medical services of the State where they are resident. Neither is true.

Some UK residents believe that pensioners abroad should not get healthcare provided at the cost of the UK: *'You have left the UK why should you benefit to the detriment of the UK?'* they ask.

Well, UK State pensioners have paid for it, have they not? And if they lived in the UK would be equally covered by the NHS.

### **The philosophy of the EU is that the State with which you have a positive link is responsible for your social security. So what is the law covering this?**

It arises from the provisions of the EU regulations numbered 883/2004 on the co-ordination of Social Security throughout the EU.

Precise instructions are contained in a related Implementing Regulation 987/2009.

In brief- Health care is provided to elderly Brits in a resident State as though one is an elderly citizen of that State. The cost which would accrue to that State is requested by that State of the Dept. of Health in London (in effect the NHS). In some States where treatment of the elderly is free then 100% of the cost is sought. In others like France it can be about 60% for short term illnesses. The percentage sum varies from State to State dependent on the local system.

*more....*

Regulation 987/2009 informs EU States that they can request payments for the medical costs caused by pensioners from other States in one of two ways.

- a) by requesting the exact cost - this happens with France requesting payments from the UK.
- b) by fixed agreed annual sums. This is the case with Spain, Ireland, Italy, Malta, The Netherlands, Portugal, Sweden, Finland, and in fact also the UK in requesting money from the other States. Such are listed in Annex 3 of the implementing regulations 987/2009.

### **WHAT MIGHT HAPPEN AFTER BREXIT?**

If the Brexit is 'hard' then the UK and its citizens will be as foreign in the other States of Europe as any other world state.

For example, if a British citizen retired to a foreign State like Peru they would not get health care supported by the Dept of Health in London. So – the health cover for such citizens in France Spain et alia in the EU, after Brexit could cease.

It seems obvious that France will not provide £147 million (€184 million) in support of the medical costs of the retired brits, most of whom have not paid a centime into the Social Security coffers of France.

There will have to be long discussions by Britain with the other EU States, if the retired Brits in the EU are not going to get short shrift.

### **How does one get one's voice heard?**

ECRUE is writing to every Member of Parliament to win their support. An enormous task – It has to be done one by one over time, because bulk email campaigns get identified and blocked by the Parliamentary email system.

But there is nothing to stop individual members writing to their MPs, either by email or - even better - in the post. In fact, we encourage you to do so. Mention ECREU in your letter and say you are 'just one of more than 3,750 members' who feel the same. You can always find our latest membership total on the Members page of the web site.

*Brian Cave - [briancave@ecreu.com](mailto:briancave@ecreu.com)*

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### ***The Government formally declares that every British Citizen everywhere will have the vote***

ECREU group support and long time campaigner Harry Shindler has been beating this drum on this for 16 years.

Quite simply, MPs in the Commons will not listen to us if we have no vote. There are very few who have shown any real concern – among them is Sir Roger Gale and Geoffrey Clifton Brown and current members of the Liberal Democrat Party.

But Harry was the prime mover in getting the leading politicians of the Conservatives to promise to grant the vote. He writes as below – but we need this vote now. Harry is a life time member of the Labour Party. But will the Labour party at Westminster agree?

You can read the official Government statement by copying and pasting this link in your web browser: [goo.gl/31JQAI](http://goo.gl/31JQAI)

### ***From Harry Shindler – on Votes-For –Life. October 5th 2016***

Downing Street' writes as follows...

'Plans to remove the 15 year limit on overseas voting rights were set out in the Government Manifesto for this Parliament. THIS WILL BE DELIVERED BY MEANS OF A GOVERNMENT BILL, and will be in place for the next scheduled UK parliamentary elections.'

Which means.. there is being prepared a Government Bill to give us back our democratic right to vote. So, we are nearly there! Well done our ex-pats.

Now we await the Bill and its endorsement in Parliament. So we must step up our contacts with MPs and explain to them why they should support the Bill as the aim is for the General Election of 2020. I have written to Downing Street, suggesting that the Bill be before Parliament in the present session. We shall see...

So this is great news. We shall vote at the next General Election. All those who have taken part in this long campaign will know that it was worth it, and as we kept saying; 'We will win because we are right'.

As Winston Churchill would have said, 'This is not the end, but it could be the beginning of the end'.

## ***Your help still needed...***

A few days ago, we emailed asking you to support Roger Boaden's Petition to the Committee on Petitions of the European Parliament and which protests against the removal of the Winter Fuel Payment.

Why do we ask this now, and why has it become urgent?

The PETI Committee sent my Petition to the EU Commission, but the Commission concluded: 'The latest amendments to the UK's Social Fund Winter Fuel Payment Regulations do not seem to point to a breach of EU law and in particular of Regulation (EC) No 883/2004 on the coordination of social security systems.'

SI believe that in reaching this conclusion, the Committee seems to have ignored or incorrectly reported certain evidence.

I now have two months to reply, and need to show the widest possible support when my detailed response is ready.

*This WFP campaign is important to our overall strategy because it is on the verge of proving that Ministers and officials mislead the public and possibly Parliament. If they get away with this, then how can we trust them to represent us in Brexit negotiations.*

If you feel you can support it, paste this link into your web browser: <https://goo.gl/56djbF>.

This is the PETI Committee's web site where you can sign the petition. You will have to register to be able to show support. This will then give you access to the Petition, although not its content, and you can then register your support.

You can download the full text of my Petition from the first story on our web site News page

*Roger Boden - [rogerboaden@ecreu.com](mailto:rogerboaden@ecreu.com)*

## ***ECREU Face in Spain***

**Margaret Hales MBE**, lives in the Marina Alta, Valencia, Spain with her psychologist husband, where she runs a local information newsletter for residents and visitors.



She has worked with Spanish political parties, the press and radio to encourage Brits to vote and has campaigned for the many new people arriving in the city to register on the electoral roll.

Speaking Spanish, Margaret helps new arrivals with bureaucracy and orientation in Spain.

Margaret has campaigned in Westminster and Brussels for the re establishment of the vote for life, and was active in the Conservative Party and the European Union of Women, of which she is currently International Vice President.

Awarded an MBE for political service in 1997, Margaret is related to the Pankhurst family and is passionate about the right and the responsibility to vote.

### ***ECREU Official!***

Expat Citizen Rights in EU (ECREU) is now registered as an Association in France and governed by the law of 1 July 1901 and the Decree of 16 August 1901.

Association n° W862002237

**At the time of writing this newsletter, ECREU has 3,771 members living in 23 EU countries:**

Austria	Italy
Belgium	Latvia
Bulgaria	Luxembourg
Cyprus	Malta
Czech Republic	Netherlands
Finland	Poland
France	Portugal
Hungary	Romania
Denmark	Spain
Germany	Sweden
Greece	United Kingdom
Ireland	

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