

Brussels, 27. 01. 2010 000 - U 53

*Dear Ms Lucas,*

*Thank you for your letter of 27 November 2009 regarding the 'past presence test' condition for entitlement to the disability living allowance, attendance allowance and carer's allowance under the UK system.*

*I would point out that the Commission is aware of the predicament facing many citizens owing to the 'past presence test' condition.*

*I am also grateful to you for your willingness to assist the Commission in its efforts to verify the conformity of national rules with the relevant EC legislation. In this respect, I wish to inform you that the Commission considers the 'past presence test' condition contrary to European law in the field of the coordination of social security schemes and has already initiated an infringement procedure against the UK.*

*Further information on the launch of the infringement procedure is available on our website under the news section for 23 November 2009 at:*

*<http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=643&furtherNews=yes>*

*Yours sincerely,*



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