

DR. CAROLINE LUCAS

Green Party  
*for the South East of England*

Commissioner Spidia  
DG Employment  
The European Commission  
200 Rue de la Loi  
B1049 Brussels  
Belgium

October 9<sup>th</sup> 2007

Dear Commissioner,

I am sure you are aware that the French authorities are in the process of making changes to their state health care system that will affect a number of UK citizens living in France

The changes to national legislation are being undertaken to bring France into compliance with Directive 2004/38/EC and will appear to prevent UK residents, and indeed other EU citizens, from accessing health care via the French state. Rather, they will need to have private medical insurance. This raises a number of issues of concern:

- The majority of UK citizens that have contacted me about this matter have been paying into the existing French health care system, the CMU, for some years. On taking up residence in France they were informed that making contributions to CMU was a legal requirement and that possessing full private medical health care was illegal. Under the legislative changes that France is making, any health care 'credit' they were entitled to, as contributors to the CMU, will be lost. In other words they have been obliged to pay into a system that will now not deliver on the basis of payments already made. Whilst I can appreciate the need for member states to put in place measures that prevent non-nationals from becoming a burden on social and healthcare systems, and acknowledge that private health insurance is one means of doing just that, I do not think it is acceptable that UK residents are being penalised by the removal of future health care entitlement that they have already paid for.
- Furthermore, the individuals in question have, almost exclusively, made National Insurance contributions in the UK throughout their working lives - in excess of 30 years in many cases. Yet both the UK and their adopted country of France are now refusing to take responsibility for their healthcare needs. In terms of healthcare they are essentially stateless, a situation that is intolerable.
- For individuals with an existing medical problem, matters are even worse. They have moved to France on the basis that they are entitled to state provided health care and, in many, instances will simply not be able to get private insurance because of conditions such as cancer, diabetes and heart problems. As a result, they may be forced to abandon their lives in France - a move that surely throws into question the very freedom of movement that Directive 2004/38/EC is intended to protect.
- As I understand it, the Directive allows for EU residents to be granted the same treatment as nationals once they have acquired permanent residency. Yet the French authorities have failed to confirm whether this will be the case with regard to health care. Assuming the authorities do provide this confirmation, it is also not clear whether citizens will automatically be entitled to state provided health care 5 years after initial residency, ie when they qualify for permanent residency, or whether a new, separate period, relating solely to health care, will be introduced once the legislative changes come into force.
- It is unclear how these changes will work alongside the health protection offered by E121. Again, there has been no confirmation from the authorities that once UK citizens reach the age of 60 their health care is guaranteed under the new proposed scheme.
- Also, in question is access to European Health Insurance Card. To date UK residents living in France have been unable to apply for an EHIC through the UK authorities and have, instead,

obtained one via the French authorities. If these people are no longer part of the French healthcare system it is unclear how they stand in relation to their EHC entitlement.

- The information provided to affected individuals is inconsistent, unclear and at times contradictory. For example, the French Social Security website refers solely to 'les ressortissants britanniques inactifs', suggesting that the changes are singling out UK citizens. There is also a lack of clarity as to whether 'inactif' also includes those that are defined as 'retrait' or 'pensionne'. In addition, the British Embassy originally advised that existing UK residents in France would be unaffected by the changes, yet has since backtracked.

As I am sure you can appreciate, these issues need addressing with the utmost urgency - both to reassure EU citizens residing in France and to ensure that the French authorities do not implement a system that is in breach of EU legislation. I would, therefore, be most grateful if you could investigate these matters as appropriate and advise me of the outcome of your enquiries.

Yours sincerely,

A handwritten signature in black ink that reads "Caroline Lucas". The signature is written in a cursive, flowing style.

Caroline Lucas - Green Party MEP for South East England.