

## **STATEMENT BY THE GSLP/LIBERAL OPPOSITION 40/2007**

**27 March 2007**

The Opposition notes that the Junta de Andalucia has according to news released in Spain, given an undertaking to the relatives of deceased Spanish pensioners on the question of retrospection.

Apparently, what is going to happen next month is that the British Government is going to hand over one third of the retrospection money to surviving pensioners which is estimated to be of the order of 12 million euros, with a further 24 million in a year's time.

The 12 million euros will include the retrospection of pensioners who have passed away since December and who have been made the offer of this money in full settlement of their claim. The money in those cases, estimated to be about 90 individuals, will be paid to the survivors of the estate of the deceased pensioner.

In respect of the rest of the inheritors of the pensioners who passed away before last December, the position is that the amounts advanced by the Junta de Andalucia in 2003, in anticipation of the British Government agreeing to pay retrospection, will on reimbursement be distributed amongst the surviving relatives.

This is independent of the entitlement in their own right of the spouses of pensioners who would get a surviving spouse pension based on the contributions, prior to 1969, of their now deceased spouse.

This additional information, which has been made available in Spain in the last few days, strengthens the view that the agreement on settling the pensions claim has produced a totally discriminatory situation. Those Spaniards who worked in Gibraltar and stopped paying in 1969 are better off than those Spaniards who stayed here after 1969 and continued paying or those who came back after 1985 and recommenced paying.

Apart from this glaring anomaly, which the Junta is also considering, every other pensioner of every other nationality is also losing out as a result of the British Government decision to impose a pensions freeze in 1988.

The Opposition considers that this is a totally discriminatory situation which is incompatible with European law and with the UK's interpretation of EU law in 1988. At the time the United Kingdom insisted that everyone who had been paying Social Insurance in Gibraltar had to be treated on equal terms to the pre-1969 Spanish workers that had been withdrawn and stopped paying insurance.

The Opposition continues to be fully committed to ensuring that this discrimination is corrected and that everyone gets equal treatment.

ENDS