



Summary of the BREXPATS IN SPAIN public meeting held on 8th November 2016 at La Casa de la Cultura, Fuengirola at 6pm

Panel

- Anne Hernández President, Brexpats in Spain
- Rodrigo Romero Councillor for Culture, Foreign Residents, Tourism and Events
- Ayuntamiento de Fuengirola
- Glyn Emerton Secretary, Brexpats in Spain
- Ana Argente Solicitor, Fuengirola
- Milada Fitzgerald Area Manager, deVere Spain
- Dirk Simonsz Orange Estates, Fuengirola

Other BREXPATS IN SPAIN members present - Kath Emerton, Julie Payne, Diego Lopez Torres

Opening welcome and remarks -

Anne Hernández opened the meeting by welcoming all present, in particular Councillor Rodrigo Romero from Fuengirola Town Hall, and supporters of the event – Milada Fitzgerald from deVere Spain, Dirk Simonsz from OrangEstates, Ana Argente and Golden Leaves and then gave a brief introduction to BREXPATS IN SPAIN which started as a small group in Mijas with support from the Mayor of Mijas, Juan Carlos Maldonado, and had rapidly grown a much larger following online and via Facebook.

The group was formed not to challenge the result of the UK Referendum on membership of the European Union, but to actively defend the acquired rights of British ex patriots living in Spain. She explained that BREXPATS IN SPAIN is a legal association but is non-political, non-profit making and non-protest and is intelligently lobbying and debating with politicians in the UK and Spain.

So far, there had been little or no acknowledgement of the impact of Brexit on UK citizens living in the EU, and the group aimed to garner support for our specific issues. She emphasised that without the support of the UK, as had been sadly evident in that over 700,000 British immigrants had been denied the opportunity to vote in the referendum given their absence of over 15 years, it was essential that we gain the support of Spain.

With regard to debate with Spanish authorities, the importance was stressed of complying with laws regarding immigrants, in particular the requirement for residents to register on the local municipal census (the “Padrón”), and to submit tax returns if living in Spain for longer than 180 days in each year.

It was stressed that the group would probably not have answers to any issues raised until the formal negotiations begin between the UK and the EU, but were collecting issues to put forward in future lobbying and to ensure that our rights as EU citizens are not overlooked in those negotiations. We feel like a forgotten group, out of sight and out of mind and that is why it is important that we all unite and support each other, no matter how we might have (or not) voted in the referendum because the result will affect us all in exactly the same way. Also, the opinions of contributors were their own and not necessarily those of the organisation they represented.

Councillor Rodrigo Romero

Councillor Romero apologised on behalf of Ana Maria Mula Redruello, Mayor of Fuengirola, who was still at the Town Hall in a council meeting. He also advised that the event was being recorded on video and would be broadcast on Thursday 10th November 2016 at 10pm.

He went on to say that Spain and Fuengirola were fully supportive of British ex patriots in the municipality. Fuengirola was home to some 130 or more different nationalities within its 10 km², with 6,500 Britons registered on the Padrón (and more who were not registered).

He explained that:

- Registration on the local Padrón (census) was a legal requirement
- The Padrón population count affected local councils’ funding from central government

- Fuengirola, like many other councils, gave discounts on IBI (council tax), rubbish collection and car tax bills for people on the register
- Access to schools, health care, local authority grants and other services depended on being registered.

A true indication of the foreign resident population was important for every Town Hall, particularly when negotiating for services specific to that population.

For Fuengirola, Councillor Romero advised that the existing Foreign Residents Department would shortly be relocating from the tourist information office to the Town Hall in order to give a better service in direct contact with other council departments.

Finally, he thanked everyone for attending the meeting.

Ana Argente

Ana introduced herself and outlined her areas of legal expertise. She stressed that registering at the Town Hall is not a “choice” but a “must” and that registration was important in case of any legal problems, for example

- Obtaining cohabitation certificates from Town Halls
- Proving last residence in case of divorce, death, or applying for legal aid
- Proof of permanent residence, and many more.

Anne Hernández reinforced the previous speakers’ emphasis on registering on the Padrón; if say, as in 2015, there were 56,128 British residents registered on the Padrón in the province of Málaga (Instituto de Estadística y Cartografía de Andalucía, tabla Población extranjera por nacionalidad y sexo: UE (Padrón), 2015), there were likely the same number again who were resident, or on extended holidays, but not registered. She added that we Brits often misunderstand the purpose of the Padrón. Apart from being able to vote in the local elections if we then choose to, the funding from central government pays towards improving and maintaining our roads and paths, parks and gardens, emergency services - medical, fire and police, the schools and education and, on top of that, we get discounts for being on the Padrón so it's a win-win situation and most certainly doesn't mean that Big Brother is watching us. She also added that now for certain things we cannot avoid the Padrón - registering a car in our name, registering with a doctor etc. She said that the next time someone complains about potholes in the road, the first response should be to ask if they have registered on the padon!

Glyn Emerton

Glyn introduced himself and expressed his passionate concern that British citizens living in the EU should be involved in the process of Brexit. He had written a letter to a senior Member of Parliament in London who was hoped could be supported, but had not yet received a reply.

The initial meetings of Brexpaths in Spain had allowed the group to collate core concerns which have been submitted to the British Consulate in Málaga, hopefully to go on to Madrid and then London.

There were meetings planned on 23 November at Lux Mundi in Fuengirola, at Age Care in Calahonda on 15th November, and at Nerja Town Hall on 25th November, with more in the pipeline. There were members of the Facebook group from far and wide, Mallorca, Tenerife, Cadiz, Almeria, Alicante and more. News and dates of meetings are publicised on the website www.brexpaths.es as well as Facebook BREXPATS IN SPAIN.

Milada Fitzgerald

Milada gave viewpoints as an economist and financial adviser. Brexit could mean an end to the passporting of UK financial services to the EU, freedom of movement is also likely to end. Visas to travel to the EU (Schengen area) from the UK may be needed and, after 3 months in an EU country, a residency permit would need to be obtained. Some, none, or all of these things could happen.

On pensions, nothing was really known, but it was likely that EU based recipients of UK state pensions could lose the “triple lock” and have their pension incomes frozen the same as UK pensioners living in countries outside the EU. Thus, the full state pension of £119 a week might never increase.

Private pensions are normally frozen until the recipient reaches retirement age (which could rise to 70 by 2020). One piece of good news is that Spain now has the highest life expectancy in Europe at 83 years on average.

Automatic sharing of tax information between countries came into force in January 2016.

The Double Taxation Treaty between Spain and the UK could be revoked (note this is a bilateral agreement, not EU related although there are similar treaties between the UK and many other countries).

People who spend more than 180 days in Spain each year are classed as tax resident and must submit tax returns each year in Spain irrespective of where their income is from. Tax rates in Spain are different to the UK, as are things like personal allowances. Some people end up regarded as tax resident in both the UK and Spain dependent on their circumstances.

Modulo 720 – declaration of worldwide assets – forms also have to be submitted (and updated as necessary every year).

Car tax – Spanish police have access to UK DVLA information regarding UK registered vehicles and whether the tax has been paid. UK registered vehicles are only allowed to remain in Spain for 6 months.

Ana Argente

Ana stated that she will be supporting the next set of organised presentations on social security, healthcare, employment and pensions issues post Brexit – more details when available.

At present, contributions can be made in more than one EU state, with coordination across social security systems, each country contributes proportionally to an eventual pension although each country has different rules and rates. In the event of Brexit, the UK and Spain could consider a bilateral scheme where someone who has paid contributions to both systems could continue to have a single pension paid (and taxed) in Spain.

Healthcare arrangements differ between different EU states, although systems in Spain and the UK are similar. Post Brexit, access to all but emergency healthcare, or for expensive health interventions, in Spain might require prior authorisation from the UK.

UK pensioners living in Spain currently access Spanish healthcare systems via the UK S1 Form, the UK picks up the bill. For other Spanish foreign residents, access to healthcare relates to social security status as contributors/unemployed (or as holders of residencia dated prior to 24th April 2012).

Brexpaths in Spain – progress on legal status as an association

Glyn Emerton explained that the group was going through the legal process of forming an association and by 11th November should be completed.

1. Membership would be free
2. Data protection registration will take place before asking people to join
3. It will continue to be a not for profit organisation, but there are costs to be covered so the group will be looking for sponsorship.

Dirk Simonsz

Dirk gave an update on the Spanish property market. Whilst tourism was well up, people's budgets were tighter. The property market had been slowly increasing over the past three years, but the number of British buyers was falling except amongst bigger investors who were moving into Euro value investments in property.

Importantly, the rights to buy or sell property in Spain are not likely to change as a result of Brexit.

Issues raised by the audience

Padrón

Certificates are only valid for 3 months; if proof is required, a valid certificate must be provided but an up-dated certificate can easily be obtained via the Town Hall.

Registration on the Padrón lasts until you notify the Town Hall you've moved elsewhere, (a new Spanish borough should notify the old one). On leaving the country, you should notify the Town Hall yourself as there is no other way they would get to know until they conduct a periodic survey to check if people are still there, add new residents.

Some Town Halls offer discounts on things like the annual IBI (council tax), rubbish fees, etc., but each borough offers different discounts.

Pensions and tax

Lifetime annuity pension schemes ("renta vitalicia") are potentially tax efficient private pension schemes, consult a financial adviser.

Sterling – Euro Exchange fluctuation: none of the panel had a crystal ball as markets were unpredictable. deVere forecasts potential for parity between the pound and the euro in the short term, but this is all dependent on "news as it happens", an example being a rise in the value of sterling after the UK High Court decision on triggering Article 50.

With the majority of pensioners on fixed incomes, would they still have access to bus passes, day centres and other services after Brexit? Until the UK left the EU, there was no idea what might happen.

It was unlikely that changes would happen to Spanish capital gains tax which remained better for pensioners than UK capital gains tax, but as non EU citizens it could happen.

Post Brexit status

People moved to Spain from the UK as Europeans, will authorities treat people the same as before?

Councillor Romero was optimistic on this one stating that people would always be welcome in Fuengirola and in Spain, a country that loves to be open to the world and that is used to diversity. Spain respected the UK decision, but also respected the rights of immigrants in the country. Things may not be as easy, perhaps 90% of things won't change, and he highlighted that Europe had never been as peaceful as it has been since the EU.

Spanish / Dual nationality

Since the referendum, as a possible last resource to maintaining their rights here, growing numbers of people were interested in becoming naturalised Spanish citizens. There are a number of ways of achieving this including:

- After 10 years of continuous residence in Spain, after passing language and socio cultural exams
- Through having Spanish parent(s)
- Through the “golden visa” by investing 500,000€ in property in Spain
- By marriage to a Spanish national

At present, obtaining Spanish nationality requires relinquishing one's British nationality, but lobbying is going on to press for dual nationality status as exists between other EU member states.

Probably the first course of its kind has been set up in Mijas at The Parnell Academy to help people pass the naturalisation exams from total beginners to those with some knowledge of the language but little knowledge of the sociocultural aspect and who feel they want to better integrate by understanding cultures and traditions of their adopted country of residence.

Triggering Article 50

After the high court ruling confirming the sovereignty of Parliament, there was little likelihood that Parliament would vote against leaving the EU. There was potential for a second referendum on Scottish independence as well as questions over Northern Ireland and Gibraltar.

Closing remarks

Anne Hernández thanked the Ayuntamiento de Fuengirola, Councillor Romero and the other panel members, the sponsors and most importantly the audience for attending the debate and welcomed the invitation to return again in the New Year.

The meeting closed at 7.30pm

With enormous gratitude to Bernard Forbes, our volunteer Minutes taker.