

EMERGENCY MOTION Proposed by CENE GC delegates Mark Lee and seconded by Wojciech Kowalewski

Justification of urgency

This CLP has previously **resolved** to accept the legal opinion of *Your Europe* that the 2025 Winter Fuel Payment (WFP) Regulations breached the Withdrawal Agreement (WA) and to press the Prime Minister, Attorney General and Independent Monitoring Authority to cancel the removal of the lifetime Right of WA Beneficiaries to be in scope for the WFP. **The situation has changed dramatically:**

the UK DWP told our member, in his Mark Lee, in his private capacity as a beneficiary and previous payee that the EU had agreed the change and they would correspond with him no further.

Mark Lee discovered during the week that the EU has not agreed and it is tabled for inclusion in a technical update of EU legislation to be voted upon **6 July** with no mention it removes a WA right.

This therefore warrants an emergency motion being discussed in terms of vital timescale and that it is an existing LI policy that would be frustrated if the EU approval goes ahead. =====

MOTION

This CLP Notes That:

1. The Starmer administration unlawfully excluded Withdrawal Agreement (WA) beneficiaries from receiving the Winter Fuel Payment (WFP) from 2025 via a pure residency restriction that directly violates Title III of the UK-EU Withdrawal Agreement and unequivocal legal guidance from *Your Europe*.
2. This CLP has without success raised this with Keir Starmer and with his Attorney General and been ignored.
3. The Starmer administration formally notified this restriction to the European Union for permanent codification under the **Annex X Regulation 883/2004 technical update**, which is scheduled for a final legislative vote by the European Parliament on **6 July 2026**.

4. The possibility of a change of Leader & PM imminently including that Andy Burnham might become PM soon provides an opportunity to prevent the embarrassment of the UK causing the EU to enshrine the unlawful act contrary to the EU's own laws and making it phenomenally difficult to overturn.

This CLP **Resolves** that:

1. The CLP Chair and Secretary are requested and authorised to bypass standard ministerial and party correspondence channels and to transmit within 48 hours of the passage of this resolution the approved text block below via immediate, secure electronic delivery channels directly to Andy Burnham's political transition team
2. and using their judgement as to who fits the description the team of any other potential leadership candidate as soon as practical.
3. The communication should read **verbatim** as follows, without alteration or preamble apart from amending the first sentence to the appropriate name

4. URGENT REQUEST FOR ANDY BURNHAM

- **The Material Breach:** The current administration unlawfully excluded Withdrawal Agreement (WA) beneficiaries from receiving the Winter Fuel Payment (WFP) from 2025. This pure residency condition directly violates Title III of the Withdrawal Agreement, a position confirmed by unequivocal legal opinion from *Your Europe*.
- **The Ticking Clock:** The current administration notified this restriction to the EU. It is currently embedded in the Annex X Regulation 883/2004 update being voted on by the EU Parliament on **6 July 2026**. If passed, it permanently locks an **unlawful restriction** into EU law, forcing the EU into an active breach of Article 34 of its own Charter of Fundamental Rights.
- **The Immediate Neutral Solution:** Execute an immediate, neutral administrative **withdrawal of the UK's flawed notification** to Brussels upon taking office or if not in office by 6 July to seek before that date to influence such action by the current or any caretaker administration.

- This does not require a prolonged domestic policy review; it is a neutral holding action that preserves the rule of law and allows the EU Commission to formally announce on the floor of the European Parliament on 6 July that the WFP is omitted from the final Annex X text.
- **The Case File:** Our member Mark Lee has a comprehensive paper trail detailing the administrative failure and Hansard manipulations. Active statutory SAR/FOI requests are currently binding the DWP, Treasury, GLD, and AGO to strict disclosure countdowns though these fall after 6 July.
- **Case Contact for Full Dossier & References:**
- **CONTACT DETAILS REDACTED**
- DWP Case Refs: MC2025/54674 MC2025/91035 MC2025/109974
TO2026/42395 TO2026/46498

This request is the result of a formal Labour International CLP resolution made on Sunday 21 June 2026 in accordance with Labour Party rules.”

5. The CLP Chair is authorised and requested to utilise her status as Chair to directly lobby the relevant European Union institutions, committee chairs, and MEP delegations on behalf of Labour International CLP to secure a procedural delay or freeze on the 6 July Annex X vote while active legal and treaty compliance tracks are unresolved.
6. The CLP Chair and Secretary are authorised to follow up such communications as they deem necessary with the objective of securing the restoration of the lawful rights of WA beneficiaries.
7. The CLP Secretary is instructed to redact the personal contact details of Mark Lee from the CLP website once this resolution is passed.