

## RECOMMENDATION No U2

of 12 June 2009

**concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State**

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 106/16)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems <sup>(1)</sup>, under which the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems <sup>(2)</sup>,

Having regard to Article 64(1) of Regulation (EC) No 883/2004 and Article 55(1) of Regulation (EC) No 987/2009,

Whereas:

- (1) Under the terms of Article 64(1) of Regulation (EC) No 883/2004 a person who is wholly unemployed and who goes to a Member State other than the competent State in order to seek employment is allowed, subject to certain conditions and limits, to retain his entitlement to unemployment benefits in cash.
- (2) One of the conditions set out in subsection (a) of the said paragraph is that the person concerned must have remained available to the employment services of the competent State for at least 4 weeks after becoming unemployed.
- (3) The final sentence of subsection (a) does, however, allow the competent services or institutions to authorise the job-seeker's departure before 4 weeks have expired.

- (4) This authorisation should not be denied to persons who, while meeting the other conditions set out in Article 64(1) of the said Regulation, wish to accompany their spouse or partner who has taken a job in another Member State.

Acting in accordance with the conditions laid down in Article 71(2) of Regulation (EC) No 883/2004,

HEREBY RECOMMENDS TO THE COMPETENT SERVICES AND INSTITUTIONS THAT:

1. Authorisation of departure before 4 weeks have expired as provided for in the final sentence of Article 64(1)(a) of Regulation (EC) No 883/2004 shall be granted to a person who is wholly unemployed, meets all the other conditions laid down in Article 64(1) and is accompanying his/her spouse or partner who has taken a job in a Member State other than the competent State.

The partner shall be determined on the basis of the legislation of the competent Member State.

2. This Recommendation shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of Regulation (EC) No 987/2009.

*The Chair of the Administrative Commission*  
Gabriela PIKOROVÁ

<sup>(1)</sup> OJ L 166, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 284, 30.10.2009, p. 1.