



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.01.1996
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96/0004(CNS)

Proposal for a

COUNCIL REGULATION (EC)

amending, for the benefit of

unemployed persons, Regulation (EEC) No 1408/71 on the application of
social security schemes to employed persons, to self-employed persons
and to the members of their families moving within the Community
and Regulation (EEC) No 574/72 laying down the procedure for implementing
Regulation (EEC) No 1408/71

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. GENERAL OBSERVATIONS

On 18 June 1980 the Commission presented a proposal for revising the provisions relating to unemployment benefits of Regulation (EEC) No 1408/71 and of Regulation (EEC) No 574/72 and for inserting into these Regulations provisions on early-retirement schemes (OJ C 169 of 9 July 1980, p. 22).

With regard to the grant of unemployment benefits to migrant workers, the Commission recalled that the provisions of the said Regulations no longer corresponded to the economic situation in the Community and did not provide a solution to a number of situations that had not been provided for when they were adopted. This analysis is still valid.

At the time when Regulation (EEC) No 1408/71 was drawn up and adopted, the Community was enjoying a period of economic prosperity with a very low level of unemployment in virtually all the Member States, and unemployed persons could find work within a reasonable period of time.

In that economic context there appeared to be no need to maintain the right to unemployment benefits outside the country of last employment. A worker who became unemployed in one Member State was certain to find another job relatively soon and, if not, Article 69 of Regulation (EEC) No 1408/71 enabled him to look for work in another Member State while retaining the right to receive the benefits of the country of last employment for a certain length of time (three months), which was limited but normally sufficient.

Today, however, the situation of the labour market in the Community is such that there is a high level of unemployment and as a result much longer periods of time are to find another job.

The proposal made in 1980 did not attain the unanimity required in the Council, principally because the two subjects (unemployment and pre-retirement) had been linked within a single proposal, which was not conducive to its adoption. Moreover, this proposal is now technically no longer up to date as the two Regulations have been amended several times since 1980.

The Commission therefore deems it appropriate to withdraw the abovementioned proposal and present a new proposal on unemployment benefits, separately from a proposal on pre-retirement benefits which it is presenting at the same time. The presentation of these two proposals was announced in the Medium-Term Social Action Programme (1995-97).

In view of the presentation of this proposal, the Commission consulted the Administrative Commission on Social Security for Migrant Workers (composed of government representatives; see Article 80 of Regulation (EEC) No 1408/71). The text proposed is largely based on the outcome of the discussions within the Administrative Commission. The Commission also sought the opinion of representative organizations of the two sides of industry. Their response shows that most of these organizations, and

in particular those representing workers, are in favour of the ideas contained in the present proposal.

In formulating its proposal the Commission has also referred back to the report of the European Parliament of 15 May 1995 (report of Mrs Oomen-Ruijten; OJ C 166 of 3 July 1995, p. 24) and its report of 29 November 1995 (report of Mr Imaz San Miguel; not yet published), specifically with regard to the rights of frontier workers (see below).

In view of the above and having regard to the objective to improve the European labour market and promote the free movement of workers, it therefore seems appropriate to again propose amendments to the provisions of Regulation (EEC) No 1408/71 relating to unemployment benefits.

The new provisions should under certain conditions enable the retention of entitlement to unemployment benefits beyond the prescribed three-month period, when a worker goes to a Member State other than the State in which he was last employed, to look for work. The aim of this amendment is, first, to give unemployed persons a better chance to find work in another Member State and, second, to meet the needs of an unemployed person who has to transfer his residence to another Member State when the spouse changes jobs or who wishes to be able to return to a Member State with which he has acquired or retains particular ties.

However, in order to limit the risk of abuse, specific provisions should be laid down on administrative checks on unemployed persons as well as provisions relating to benefit rates and the length of the benefit period.

With regard to checks, it is proposed that these should be carried out by the institution of the Member State in which the unemployed person is looking for work, in accordance with the legislation of that State, with the collaboration of the institutions of the Member States responsible for providing the benefits.

With regard to benefits, it is proposed that they should be provided by the institution of the Member State where the unemployed person is looking for work, on behalf of the institution of the Member State where he last worked. However, it is further proposed that after an initial period of three months the right to benefits should be maintained, without the total duration of the benefit period or the amount of the benefits (to prevent abuse) exceeding the period or amount provided for by the legislation of the Member State in which the unemployed person is looking for work or the period or amount provided for by the legislation of the State which pays the benefits.

Consequently, it is to be expected that only people who are truly motivated will have recourse to the provisions proposed. They will be entitled to benefit only at the lowest rate provided for by the legislation of the two Member States concerned and also for the shortest length of time.

As regards frontier workers, it is proposed that they should enjoy the same rights as the other categories referred to in Article 71 of Regulation (EEC) No 1408/71, in particular with regard to the choice they should have to register either with the employment services of the State where they have worked or with the employment services of the State where they reside. This is intended to increase their chances of finding a new job.

II. DISCUSSION PER ARTICLE

Article 1

Amendment of Regulation (EEC) No 1408/71

1. Amendment of Article 25(1) and (2)

The amendment of Article 25(1) and (2) is justified by the amendment of Articles 69 and 71 and the introduction of Articles 69a to 69c. In order to prevent abuse, it should be laid down, in particular, that the amount of cash sickness benefits after the expiry of the three-month period provided for in Article 69(2) cannot exceed the amount of the benefits to which the unemployed person would have been entitled if during his last employment he had been subject to the legislation of the Member State where he is looking for work.

2. Amendment of Article 39(6), first subparagraph

For the sake of concordance, the amendment of the first subparagraph of Article 39(6) is necessary following the amendment of Article 71.

3. Amendment of Article 45(6)

For the sake of concordance, the amendment of Article 45(6) is necessary following the amendment of Article 71.

4. Amendment of Article 47(4)

For the sake of concordance, the amendment of Article 47(4) is necessary following the amendment of Article 71.

5. Amendment of Article 67(3)

For the sake of concordance, the amendment of Article 67(3) is necessary following the amendment of Article 71.

6. Amendment of Article 69

Article 69 is amended because of the addition of Articles 69a to 69c. The new Article 69 merely confirms the principle that an employed or self-employed person who has become wholly unemployed may under certain conditions retain the right of unemployment benefit when he goes to one or more States in search of work.

7. Insertion of Articles 69a to 69c

(a) The new Article 69a contains general conditions for the retention of the right to unemployment benefit for an employed or self-employed person in the circumstances provided for in Article 69. These conditions correspond to those required by the present Article 69(1)(a) and (b). It is also provided that the person concerned must submit to the checks implemented in the Member State where he is going and meet the conditions laid down by the legislation of that State.

- (b) The current rules of Regulation (EEC) No 1408/71 providing for the payment of unemployment benefits outside the competent State allow the export of these benefits for a maximum period of three months. This deadline is no longer in line with the present situation on the labour market, with its high levels of unemployment (concomitantly the time required to find a job is now considerably longer). Nor does this deadline not make it possible to meet the wish to settle the situation of an unemployed person who has to transfer his residence to another Member State when the spouse changes jobs or who wishes to be able to return to a Member State where he has acquired or retained special ties.

In order to meet these needs and offer unemployed persons a better chance of finding a job in another Member State, it is proposed, for the new Article 69b, that the unemployed person should initially be able to retain the right to benefits for a maximum period of three months, as if he had stayed in the competent Member State. It is further proposed that after this initial period the right to benefits should likewise be retained but that, in order to prevent abuse, the total duration of the grant of benefits or the amount thereof may not exceed the period or amount provided for by the legislation of the Member State where the unemployed person is looking for work.

For the same reason, it is also proposed that the benefit period and the benefit level should not be higher than that provided for by the legislation of the competent State.

The new Article 69b also takes over paragraphs 3 and 4 of the present Article 69 and the provisions of its paragraph 1(c) as regards seasonal workers.

- (c) The new Article 69c provides that with regard to the various penalties provided for by national legislation, which may lead to the reduction, modification, withdrawal or confiscation of unemployment benefit, the legislation applicable is that of the Member State in which the unemployed person is looking for work. For the sake of consistency, provision is also made for the institution of that State to be competent to take the necessary decisions.

8. Amendment of Article 70(1)

It is proposed that the last sentence of this first paragraph of Article 70 should indicate that it is the institution of the Member State under whose legislation the unemployed person is entitled to benefits that is responsible for refunding the amount of these benefits. The current wording of this sentence refers to the Member State to whose legislation the person concerned was subject during his last employment. However, this may, under the provisions of Article 71, be a State other than that under whose legislation the unemployed person is entitled to unemployment benefits.

9. Amendment of Article 71

The new text of Article 71 is designed to offer a wholly unemployed frontier worker the possibility of making himself available to the employment services in the territory of the Member State where he last worked or to those of his State of residence. He will be entitled to unemployment benefits in accordance with the legislation of the State to whose employment services he has made himself available.

It is in fact necessary to extend to frontier workers the option already existing in the current Article 71(1)(b) for wholly unemployed persons other than frontier workers. This option is intended to give them a better chance to find employment.

However, in the case of Luxembourg the proposal makes provision for a transitional period of ten years, on the grounds that because of the specific nature of its labour market this Member State has a large number of frontier workers. The immediate application of the proposed provision could thus cause a sudden increase in expenditure on unemployment benefits for Luxembourg.

10. Amendment of Article 72a

For the sake of concordance, the amendment of Article 72a has become necessary following the amendment of Article 71.

Article 2

Amendment of Regulation (EEC) No 574/72

1. Amendment of Article 26

The amendment of Article 26 has become necessary following the amendment of Article 25 of Regulation (EEC) No 1408/71.

2. Amendment of the title above Article 83 and of Article 83(1)

For the sake of concordance, this amendment has become necessary following the amendment of Article 69 and the insertion of Articles 69a and 69c.

3. Amendment of Article 83(3)

The provisions of Article 83(3) have to be amended in light of the new Articles 69a and 69c.

III. JUSTIFICATION FOR THE PROPOSAL WITH REGARD TO SUBSIDIARITY

The proposal is consistent with both criteria of the subsidiarity principle, i.e. necessity and proportionality, as enshrined in Article 3B of the Treaty of Maastricht.

The need for Community action is warranted in light of the free movement of employed and self-employed persons. This fundamental freedom of the Treaty is one of the four pillars of the internal market, as witness Articles 48, 52 and 59 of the Treaty.

Without coordination of national social security schemes, the freedom of movement for employed persons, the freedom of establishment and the freedom to supply services could not be fully attained. If there were no such coordination, the exercise of this freedom could entail losses of social security rights for those concerned, particularly as regards unemployment benefits.

Legislative (i.e. binding) intervention is obviously proportionate with the objective of effective freedom of movement, which requires an instrument directly granting rights to those concerned. The Regulation is therefore the most appropriate instrument to this end.

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Regulation (EEC) No 574/72 laying down the procedure for implementing
Regulation (EEC) No 1408/71

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 51 and 235 thereof,

Having regard to the proposal from the Commission¹, presented following consultation with the Administrative Commission on Social Security for Migrant Workers,

Having regard to the Opinion of the European Parliament²,

Having regard to the Opinion of the Economic and Social Committee³,

Whereas account should be taken of the fact that possibilities of finding work within a reasonable period of time have been considerably reduced; whereas it is therefore necessary to provide for the retention beyond the current three-month period of the right to unemployment benefits when an unemployed person goes to another Member State to look for work;

Whereas, however, in order to prevent abuse, it should be provided that after an initial period of three months the total duration of the grant of benefits or the amount may not exceed the period or amount provided for not only by the legislation of the competent State but also by that of the Member State in whose territory the unemployed person is looking for work;

Whereas, for the same reasons, it should be provided that the amount of cash sickness benefit may, after an initial period of three months, not exceed the amount of equivalent benefits provided for by the legislation of the Member State in which the person concerned is looking for work;

Whereas, for the sake of efficiency, the legislation applicable in respect of checks and sanctions ought to be that of the Member State in which the unemployed person is looking for work;

Whereas it is necessary to specify that it is the institution of the Member State under whose legislation the unemployed person is entitled to unemployment benefits that is obliged to refund the amount of these benefits to the institution of the Member State providing these benefits;

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Whereas wholly unemployed frontier workers should be offered the choice of making themselves available to the employment services of both the Member State in whose territory they last worked and the Member State in whose territory they reside, in order to enhance their chances of finding work;

Whereas it is necessary to amend certain provisions of Regulation (EEC) No 574/72 following the proposed amendments to be made to Regulation (EEC) No 1408/71;

Whereas in order to attain the objective of the free movement of workers in the domain of social security, it is necessary and appropriate for an amendment of the rules on the coordination of national social security schemes to be made through a Community legal instrument that is binding and directly applicable in each Member State;

Whereas this is in conformity with the provisions of the third paragraph of Article 3B of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1408/71 is amended as follows:

1. The text of Article 25(1) and (2) is replaced by the following:

"Article 25

1. An unemployed person who was formerly employed or self-employed, to whom the provisions of Article 69 to 69c or the second sentence of Article 71(1)(c) apply and who satisfies the conditions of the legislation of the competent State for entitlement to benefits in kind and in cash, taking account where appropriate of the provisions of Article 18, shall during the period determined in accordance with Article 69b(2) and (3) receive:

- (a) benefits in kind provided on behalf of the competent institution by the institution of the Member State in which he seeks employment in accordance with the provisions of the legislation which the latter institution administers, as though he were insured with it;
- (b) cash benefits provided by the competent institution in accordance with the provisions of the legislation which it administers. However, by agreement between the competent institution and the institution of the Member State in which the unemployed person seeks employment, benefits may be provided by the latter institution on behalf of the former institution in accordance with the provisions of the legislation of the competent State. Upon the expiry of the period provided for in Article 69b(2), the amount of the cash benefits may not exceed the amount of benefits to which he would have been entitled if during his last employment he had been subject to the legislation of the Member State in which he is seeking employment. The second sentence of Article 69b(3)(b) shall apply by analogy. Unemployment benefits under Articles 69 to 69c shall not be granted for the period during which cash benefits are received.

2. A wholly unemployed person who was formerly employed and to whom the first sentence of Article 71(1)(c) applies shall receive benefits in kind and in cash in accordance with the provisions of the legislation of the Member State in whose territory he resides, as though he had been subject to that legislation during his last employment, account being taken where appropriate of the provisions of Article 18; the cost of such benefits shall be met by the institution of the country of residence."

2. The first subparagraph of Article 39(6) is replaced by the following:

"6. A wholly unemployed person who was formerly employed to whom the first sentence of Article 71(1)(c) applies shall receive the invalidity benefits provided by the competent institution of the Member State in whose territory he resides, in accordance with the legislation which it administers, as though he had been subject to that legislation during his last employment, account being taken where appropriate of Article 38 and/or Article 25(2). The institution of the country of residence shall be responsible for paying these benefits."

3. The first subparagraph of Article 45(6) is replaced by the following:

"6. A period of full unemployment during which the person concerned receives benefits in accordance with the first sentence of Article 71(1)(c) shall be taken into account by the competent institution of the Member State in whose territory he resides in accordance with the legislation administered by that institution, as if he had been subject to that legislation during his last employment."

4. Article 47(4) is replaced by the following:

"4. If the legislation which the competent institution of a Member State administers requires a wage or salary to be taken into account for the calculation of benefits, where the first and second subparagraphs of Article 45(6) have been applied, and if, in this Member State, only periods of full unemployment for which benefits are paid in accordance with the first sentence of Article 71(1)(c) are taken into consideration for the payment of pensions, the competent institution of that Member State shall pay the pension on the basis of the wage or salary it used as the reference for providing that unemployment benefit in accordance with the legislation which it administers."

5. Article 67(3) is replaced by the following:

"3. Except in the cases referred to in Article 71(1)(c), application of the provisions of paragraphs 1 and 2 shall be subject to the condition that the person concerned should have completed lastly:

- in the case of paragraph 1, periods of insurance,
- in the case of paragraph 2, periods of employment

in accordance with the provisions of the legislation under which the benefits are claimed."

6. The text of Article 69 is replaced by the following:

"Article 69

A wholly unemployed person who was formerly employed or self-employed and who satisfies the conditions of the legislation of a Member State for entitlement to benefits, account being taken where appropriate of the provisions of Article 67, and who goes to one or more other Member States in order to seek employment there shall retain his entitlement to such benefits under the conditions laid down in Article 69a and within the limits determined by Article 69b."

7. After Article 69, the following Articles 69a, 69b and 69c are inserted:

"Article 69a

Conditions for the retention of the right to benefits

1. The unemployed person must, after the commencement of unemployment and before his departure, have been registered as a person seeking work with the employment services of the competent State and have remained at its disposal for at least four weeks since becoming unemployed. However, the competent services or institutions may authorize his departure before such time has expired.
2. The unemployed person must register as a person seeking work with the employment services of each of the Member States to which he goes and be subject to the control procedure authorized there, meet the conditions in accordance with the legislation of that State and effectively remain available to the employment services. This condition shall be considered satisfied for the period before registration if the person concerned registered within seven days of the date when he ceased to be available to the employment services of the State he has left. In exceptional cases, this period may be extended by the competent services or institutions.

Article 69b

Limits to the retention of the right to benefits

1. The rate and duration of benefit to which the unemployed person continues to be entitled shall be determined in accordance with the legislation of the competent State; the provisions of this section can under no circumstances give rise to benefits of a higher rate or for a longer period than that provided for by the legislation of the competent State. The period during which the unemployed person received benefits under the legislation of that State before going to one or more other Member States shall be deducted from the period during which entitlement is maintained.
2. Entitlement to benefits shall initially continue for up to three months from the date when the person concerned ceased to be available to the employment services of the State he has left.

3. Moreover, upon expiry of the period provided for in paragraph 2, the following provisions shall apply:
 - (a) The total duration of benefit under the legislation of the competent State may not exceed the period during which the unemployed person would have been entitled to benefits if during his last employment he had been subject to the legislation of the Member State to which he has gone in search of work.
 - (b) The amount of benefits to which the unemployed person continues to be entitled under the legislation of the competent State may not exceed the amount of benefits to which he would have been entitled if during his last employment he had been subject to the legislation of the Member State to which he has gone in search of work. If under the legislation of the latter Member State benefits must be calculated on the basis of the amount of the previous wage or salary, the institution of that State shall calculate the amount to which the unemployed person would have been entitled on the basis of the wage or salary corresponding, in the place where the unemployed person has gone in search of work, to equivalent or similar employment to his last employment in the territory of another Member State.
4. In the case of a seasonal worker such duration shall, moreover, be limited to the period remaining until the end of the season for which he was engaged.
5. An unemployed person returning to the competent State shall continue to be entitled to benefits in accordance with the legislation of that State; the period during which the unemployed person received benefits in one or more Member States other than the competent State shall be deducted from the period during which he continues to be entitled under the legislation of the competent State.
6. The provisions of Articles 69 to 69b may be invoked only once between two periods of employment.
7. Where the competent State is Belgium, an unemployed person who returns there after having invoked the provisions of Articles 69 to 69b shall not requalify for benefits in that country until he has been employed there for at least three months.

Article 69c

Modification of the right to benefits

The right to benefits under the provisions of Articles 69 to 69b shall be reduced, modified, suspended, withdrawn or confiscated if facts relating to the unemployed person emerge that, under the legislation of the State in which he is looking for work, entail the reduction, modification, suspension, withdrawal or confiscation of the right to unemployment benefits. The institution of the Member State in which the unemployed person is looking for work shall decide on the application of the provisions of this Article."

8. The first paragraph of Article 70 is replaced by the following:

"1. In the cases referred to in Article 69, benefits shall be provided by the institution of each of the States to which an unemployed person goes to seek employment.

The competent institution of the Member State under whose legislation the unemployed person is entitled to benefits shall be obliged to reimburse the amount of such benefits."

9. The text of Article 71 is replaced by the following:

"1. An unemployed person who was formerly employed and who during his last employment resided in the territory of a Member State other than the competent State shall receive benefits in accordance with the following provisions:

(a) An employed person who has become unemployed but not wholly unemployed in the undertaking employing him shall receive benefits in accordance with the legislation of the competent State as if he resided in the territory of that State; these benefits shall be provided by the competent institution.

(b) An employed person who has become wholly unemployed and who makes himself available to the employment services in the territory of the competent State shall receive benefits in accordance with the provisions of the legislation of the competent State as if he resided in the territory of that State; these benefits shall be provided by the competent institution. If the competent State is Luxembourg, the institution of the place of residence shall, for a transitional period of ten years after the entry into force of this paragraph, refund to the institution of that State half the amount of the benefits provided to the frontier worker within the meaning of Article 1(b), within the limit of the amount to which the unemployed person would have been entitled if he had made himself available to the employment services of the State of residence.

If subsequently the unemployed person makes himself available to the employment services in the territory of the State where he resides, he shall receive benefits in accordance with the provisions of the legislation of that State. However, the period during which he received benefits in the competent State shall be deducted from the period during which he continues to be entitled to benefits in accordance with the legislation of the State where he resides.

(c) An employed person who has become wholly unemployed and who makes himself available to the employment services of the Member State in whose territory he resides or who returns to the territory of that State shall receive benefits in accordance with the legislation of that State as though he had last been employed there; these benefits shall be provided by the institution of the place of residence at its own expense.

If subsequently the unemployed person makes himself available to the employment services in the territory of the competent State, he shall receive benefits in accordance with the provisions of the legislation of that State. However, the period during which he received benefits in the State where he resides shall be deducted from the period during which he continues to be entitled to benefits under the legislation of the competent State.

(d) An unemployed person may not claim benefits under the legislation of the Member State in whose territory he resides while he is entitled to benefits under the provisions of paragraphs (a) or (b).

2. For the purpose of the first paragraph, "wholly unemployed" refers to the position of a formerly employed person whose employment relationship has been broken off or has expired."

10. The text of Article 72a is replaced by the following:

"Article 72a

Employed persons who have become wholly unemployed

An employed person who has become wholly unemployed and to whom the first sentence of Article 71(1)(c) applies shall, for the members of his family residing in the territory of the same Member State as he, receive family benefits in accordance with the legislation of that State, as if he had been subject to that legislation during his last employment, taking account where appropriate of the provisions of Article 72. These benefits shall be provided by, and at the expense of, the institution of the place of residence."

Article 2

Regulation (EEC) No 574/72 is amended as follows:

1. Article 26 is amended as follows: the text of paragraphs 1 and 2 is replaced by the following:

"1. In order to receive benefits in cash and in kind under Article 25(1) of the Regulation for himself and for the members of his family, an unemployed person shall submit to the sickness insurance institution of the place where he has gone a certified statement for which, prior to his departure, he should have applied to the competent sickness insurance institution. If the unemployed person does not submit the said certified statement, the institution of the place to which he has gone shall obtain it from the competent institution.

This certified statement must testify the existence of the right to the said benefits under the conditions set out in Article 69a(1) of the Regulation; indicate the duration of such right, taking into account the provisions of Article 69b of the Regulation; and specify the amount of cash benefits to be provided, where appropriate, by way of sickness insurance during the abovementioned period, in the case of incapacity for work or hospitalization.

The unemployment insurance institution of the place where the unemployed person has gone shall inform the competent institution, in particular, of the limits for the grant of cash benefits, these limits being fixed in accordance with the provisions of Article 25((1)(b) of the Regulation.

2. The unemployment insurance institution of the place where the unemployed person has gone shall testify on a copy of the certified statement referred to in Article 83 of the implementing Regulation which shall be sent to the sickness insurance institution of that same place, that the conditions laid down in Article 69a(2) of the Regulation have been fulfilled and shall specify the date from which the unemployed person shall receive unemployment insurance benefits at the expense of the competent institution.

This certified statement shall be valid for the period laid down in Article 69b of the Regulation, for as long as the conditions are fulfilled. The unemployment insurance institution of the place where the unemployed person has gone shall, within three days, inform the said sickness insurance institution if the conditions are no longer satisfied."

2. The title above Article 83 and the first paragraph of Article 83 are replaced by the following:

"Application of Articles 69 to 69c

Article 83

**Conditions and limits for the retention of the right to benefits
when an unemployed person goes to another Member State**

1. In order to retain the right to benefits, an unemployed person covered by Article 69 of the Regulation shall submit to the institution of the place to which he has gone, in addition to the certified statement referred to in Article 80 of the implementing Regulation, a certified statement in which the competent institution shall certify that he is still entitled to benefits under the conditions laid down in Article 69a(2) of the Regulation. The competent institution shall specify in particular in this certified statement:

- (a) the amount of benefits to which the unemployed person is entitled under the legislation of the competent State;
- (b) the date on which the unemployed person ceased to be available to the employment services of the competent State;
- (c) the time-limit under Article 69a(2) for registration as a person seeking employment in the Member State to which the unemployed person has gone;
- (d) the maximum period of entitlement and the maximum amount of benefit in accordance with Article 69b(1);
- (e) the period during which the unemployed person received benefits under the legislation of the competent State before going to another Member State".

The competent institution shall, where appropriate, inform the institution of the place where the unemployed person has gone of any changes occurring in the information indicated on the abovementioned certified statement.

3. Article 83(3) is replaced by the following:

"3. The institution of the place to which the unemployed person has gone shall notify the competent institution of the date on which the unemployed person registered, the date on which payment of benefits commenced and the limits for the grant of benefits, these limits having been fixed in accordance with the provisions of Article 69b(3)(a) and (b) of the Regulation. The institution of the place to which the unemployed person has gone shall pay the benefits, the amount and benefit period of which have been fixed under the aforementioned provisions and Article 69b(1) in accordance with the procedure provided for by the legislation of the Member State to which the unemployed person has gone.

The institution of the place to which the unemployed person has gone shall carry out checks, or arrange for checks to be carried out, as if it were dealing with an unemployed person receiving benefits under the legislation which it administers. It shall forthwith inform the institution of the competent Member State of any decisions taken pursuant to Article 69c and shall indicate to what extent the right to benefits has been reduced, modified, suspended, withdrawn or confiscated".

Article 3

This Regulation shall enter into force on the first day of the month following that of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the Council
The President

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