

JUDGMENT OF THE COURT**of 30 June 2021****in Case E-15/20****criminal proceedings against P**

(Social security – Regulation (EC) No 883/2004 – Articles 7, 63 and 64 – Unemployment benefits – Requirement to stay in the competent EEA State – Unemployed person going to another EEA State)

(2021/C 417/06)

In Case E-15/20, criminal proceedings against P – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Borgarting Court of Appeal (*Borgarting lagmannsrett*) concerning the interpretation of the Agreement on the European Economic Area, in particular Articles 3, 7, 28, 29 and 36 thereof, Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, and Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, the Court, composed of Páll Hreinsson, President (Judge-Rapporteur), Per Christiansen and Bernd Hammermann, Judges, gave judgment on 30 June 2021, the operative part of which is as follows:

1. A requirement that the unemployed person must stay in the competent State to be entitled to a cash benefit in the event of unemployment in cases where the conditions of Articles 64, 65 or 65a are not fulfilled is compatible with Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.
 2. Outside the situations expressly mentioned in Articles 64, 65 and 65a of Regulation (EC) No 883/2004, a condition to stay in the competent EEA State for entitlement to unemployment benefits does not fall to be assessed under Articles 28, 29 and 36 of the EEA Agreement and is not incompatible with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.
 3. EEA States retain the power to determine whether criminal sanctions may be imposed for obtaining unemployment benefits by knowingly providing wrongful information. EEA States must, however, exercise that power in accordance with EEA law and its general principles, including the principle of proportionality.
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