

EN

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Answer given by Mr Schmit
on behalf of the European Commission
(27.8.2024)

The Commission recalls that EU law in the field of social security coordination provides only for the coordination of the Member States' national social security systems. Each Member State is free to determine the details of its own social security system and can decide how its unemployment benefit should be calculated.

However, if the calculation of the unemployment benefit is to be based on the amount of the previous salary, the Member State shall take into account exclusively the salary received by the unemployed person in respect of the last activity of work in the territory of that State¹. And if a reference period is used for determining the salary to be used, periods of work in other Member States during the reference period must be taken into account². The requirement to take into account exclusively the salary relating to the last activity of work in the competent State applies also to the periods of work in the other States.

1. The requirement of the draft amendment appears to concern primarily the calculation of benefits and is not in conflict with the principle of the aggregation or the general spirit of the rules under Regulation (EC) No 883/2004³.

2. Provided that exclusively the salary from the last activity of work is used also to the periods of work in other Member States during the reference period for persons who were not frontier workers, the Bulgarian draft amendment is in line with Article 62 of Regulation (EC) No 883/2004. This calculation respects the principle of equal treatment as defined in Articles 4 and 5 of Regulation (EC) 883/2004.

¹ Article 62(1) of Regulation (EC) No 883/2004.

² Article 62(2) of Regulation (EC) No 883/2004. Frontier workers have specific rules, cfr. Article 62(3).

³ <https://eur-lex.europa.eu/eli/reg/2004/883/oj>