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**Judgment in Case E-15/20 *Criminal Proceedings against P***

**UNEMPLOYMENT BENEFITS AND THE REQUIREMENT TO STAY IN THE  
COMPETENT EEA STATE**

In a judgment delivered today, the Court answered questions referred to it by Borgarting Court of Appeal (*Borgarting lagmannsrett*) concerning the interpretation 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 (“the Regulation”).

The case before the referring court concerns criminal proceedings against P, who was indicted for aggravated fraud and providing a false statement to the Norwegian Labour and Welfare Administration (“NAV”) in connection with the receipt of unemployment benefits. Under Norwegian law, it is a general rule that the unemployed person must stay in Norway in order to receive unemployment benefits.

Question 1 concerned whether the requirement to stay in Norway is compatible with the Regulation. With reference to its judgment in Case E-13/20 *O v the Norwegian Government*, delivered today, the Court found that a requirement that the unemployed person must stay in Norway, in cases where the conditions of Articles 64, 65 or 65a are not fulfilled, is compatible with the Regulation.

By questions 2 and 3, the referring court asked in essence whether that requirement is compatible with Articles 28, 29 and 36 EEA and/or Directive 2004/38/EC. With reference to Case E-13/20, the Court held that outside the situations expressly mentioned in Articles 64, 65 and 65a of the Regulation, a requirement to stay in the competent EEA State for entitlement to unemployment benefits does not fall to be assessed under Articles 28, 29 and 36 EEA. According to the same considerations, the Court found that the requirement does not fall to be assessed in the light of Directive 2004/38/EC.

By questions 4 and 5, the referring court asked in essence whether it is compatible with EEA law to impose criminal law sanctions for having knowingly provided false information to the competent institution regarding circumstances that are decisive for the right to benefits, in a situation such as that at issue in the main proceedings. The Court held that EEA States retain the power to determine in their domestic legislation whether criminal sanctions may be imposed for obtaining unemployment benefits by knowingly providing wrongful information. The EEA States must, however, exercise that power in accordance with EEA law and its general principles, including the principle of proportionality.

The full text of the judgment may be found on the Court’s website: [www.eftacourt.int](http://www.eftacourt.int).

This press release is an unofficial document and is not binding upon the Court.