RECOMMENDATION No 18

of 28 February 1986

relating to the legislation applicable to unemployed persons engaged in part-time work in a Member State other than the State of residence, adopted by the Administrative Commission at its 202nd meeting held on 27 and 28 February 1986

(86/C 284/05)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Whereas, where workers residing in the territory of a Member State are eligible, under the legislation applicable to them, to receive unemployment benefits, they should be allowed to pursue a part-time professional or trade activity in the territory of another Member State, while retaining entitlement to unemployment benefits provided by the State in which they reside;

Whereas it is necessary in this situation to determine the legislation applicable to such workers, in order to avert possible conflicts of laws;

Whereas it is desirable that such workers should continue to be subject to the legislation of their country of residence as regards both the payment of contributions due by virtue of their occupation and the granting of benefits,

RECOMMENDS

that the competent authorities of the Member States concerned conclude, or instruct the bodies designated by these competent authorities to conclude, agreements pursuant to Article 17 of Regulation (EEC) No 1408/71 on the following conditions:

1. The agreements should provide that workers receiving unemployment benefit in their State of residence and simultaneously pursuing part-time work in another Member State shall be subject exclusively to the legislation of the former State as regards both the payment of contributions and the granting of benefits.

2. For the purposes of applying these agreements, the following administrative formalities shall be complied with:

   (a) The institution providing the unemployment benefit in the State of residence of the person concerned shall inform the institution designated by the competent authority of that State of any part-time work in which the person concerned engages in another Member State.

   (b) The latter institution shall issue the person concerned with a certificate to the effect that he is subject to its legislation and shall send a copy thereof to the institution designated by the competent authority of the Member State in whose territory the person concerned works part-time.

   All information required in view of the fact that the person concerned is subject to the legislation of his State of residence shall be enclosed with this certificate, to be forwarded to the employer. The certificate shall remain valid for as long as the institution of the country of employment has not received notification of its cancellation.

   (c) The institutions concerned shall use the model certificate annexed to the present Recommendation.

The Chairman

of the Administrative Commission

C. van den BERG

EUROPEAN COMMUNITIES
Social Security Regulations

See 'Instructions' overleaf

E 101a [ ] (1)

CERTIFICATE CONCERNING THE LEGISLATION APPLICABLE

Recommendation of the Administrative Commission on Social Security for Migrant Workers of 28 February 1986 relating to the legislation applicable to unemployed persons working part-time in a Member State other than the State of residence.

1. The person concerned

1.1. Surname (2) ..... Forenames ..... Maiden name .....

1.2. Date of birth ..... Nationality ..... D.N.I. (3) .....

1.3. Address (4): .....

.....

1.4. Insurance No: .....

2. The abovementioned person is entitled to unemployment benefit

3. He is subject to the legislation of the following country: ..... (1)

4. He has been working part-time since ..... for the employer mentioned in section 5 below.

5. Employer

5.1. Name of employer or firm: .....

5.2. Address (4): .....

.....

6. Designated institution of the Member State to whose legislation the person concerned is subject

6.1. Name: ..... Code number (5) .....

6.2. Address (4): .....

.....

6.3. Stamp

6.4. Date: .....

6.5. Signature

.....

7. Notification of interruption of entitlement to unemployment benefit (6)

7.1. Entitlement to unemployment benefit ceased on .....

7.2. Stamp

7.3. Date: .....

7.4. Signature

.....

E 101a

INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only

The designated institution of the Member State to whose legislation the person concerned is subject, having been informed that the person concerned works part-time in the territory of another Member State by the institution providing unemployment benefit, should fill in the form and issue it to the person concerned. It should also send a copy of the form to the designated institution of the Member State in whose territory the person concerned works part-time.

NOTES

(1) Symbol of the Member State to whose legislation the worker is subject:
B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = the Netherlands; P = Portugal; GB = United Kingdom.

(2) For Spanish nationals, please specify both names. For Portuguese nationals, please specify all names (forenames, surname, maiden name) in the official order as entered on the identity card or passport.

(3) For Spanish nationals, please indicate the number shown on the national identity card (D.N.I.), if the person concerned holds such a card, even if the card has expired. Otherwise enter 'None'.

(4) Street, number, post code, town, country.

(5) Please enter the code of the institution, if it has one.

(6) The institution specified in section 6 should complete the form, boxes 1 and 7 and should send it to the designated institution of the Member State on whose territory the person concerned works part-time.