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Statement by the Commission on control, activation and job placement

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During the negotiations on the revision of Regulations (EC) No 883/2004 and (EC) No 987/2009, a number of Member States underlined the importance of control, activation or job placement measures for unemployed persons who go to a Member State other than the competent one to seek employment there. These are cases where, in accordance with the conditions set out in Article 64 and 65 of Regulation (EC) No 883/2004, a wholly unemployed person makes use of the possibility to retain unemployment benefits from the competent Member State for a limited period of time, while seeking employment in another Member State. During this period the person concerned must register as a person seeking work with the employment services of the other Member State, be subject to the control procedure organised there and adhere to the conditions laid down under the legislation of that Member State, as if he or she were receiving unemployment benefits from there.

During that period the institution of the receiving Member State must provide to the competent Member State relevant information on a monthly basis concerning the follow-up of the unemployed person's situation, in particular whether the latter is still registered with the employment services and is complying with the activation or job placement procedures in place there.

The Commission acknowledges the importance that persons exporting their unemployment benefit fully comply with all control, activation or job placement measures in place in the receiving Member State, under the same conditions as unemployed persons receiving benefits from that Member State. The Commission also acknowledges the importance of mutual cooperation to support the monitoring and control of unemployed persons when complying with the procedures and measures in the other Member State as to increase their chances of re-integration into the labour market and the need to further enhance monitoring and control by means of a structural automatic data exchange on, at least, work resumption and other income or benefit. To achieve that objective, the Commission will foster the mutual cooperation, support the Member States in the implementation of the provisions on the exchange between institutions, where needed, within the revised legal framework and closely monitor that implementation with the Member States.

In the context of the work on the Fair Labour Mobility Package, the Commission will explore how to further modernise and simplify social security coordination rules. This will include – inter alia – a proposal for solutions to strengthen cooperation and data exchange on control, activation or job placement measures between Member States in the framework of the reporting obligation of the receiving Member States. It could also include data exchange in case of work resumption, or the receipt of other sources of income or other benefits. Overall, this would aim at enhancing the responsibility and ensure full compliance of persons exporting their benefits with the control, activation or job placement measures in the receiving Member State as if he or she were receiving unemployment benefits from that Member State. This would not only increase the likelihood of an integration of an unemployed person in the labour market but also enhance the mutual trust among Member States in the system of coordination. For the short term, the Commission will already start exploring under the revised legal framework possible improvements in the digitalised and standardised information exchange between Member States with regard to the control and monitoring of the activities of unemployed persons exporting their benefits. To this end, the Commission will propose enhancements of the data exchanges between the institutions within the Electronic Exchange of Social Security Information system (EESSI) through the regular change management process. The Commission will propose that the standardised data fields confirming the person's active job-seeking, work resumption will be fully operational by the date of application of the relevant provisions.