



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

Labour Mobility
Social Security Coordination

Brussels,
EMPL.D.2/VG/pcs (2020)1355900

Mr Karl Arne Utgård
Email:
karlkarl.arne.utgard@outlook.com

**Subject: Your e-mail of 3 February 2020 registered under reference
Ares (2020)695309**

Dear Sir,

I refer to your abovementioned e-mail in which you ask my services to share their understanding of Article 21(1) first sentence of Regulation (EC) N°883/2004 on the coordination of social security systems.

That provision prescribes that the cash benefits are to be paid to the insured person in his/her Member State of residence or stay, by the competent institution, according to its legislation if the insured person resides or stays in a Member State other than the competent Member State.


Article 21(1) first sentence of Regulation (EC) N°883/2004 applies to a person whose incapacity to work has been assessed by the competent institution in the Member State of insurance. Whenever that person wants to move to reside in another Member State; s/he will still be entitled to receive the cash benefits from the Member State of affiliation. The required formalities are to be determined by the competent Member State.

Article 21(1) first sentence also applies whenever the state of health of a person has to be established in a Member State of stay or residence other than the competent Member State. In such a case, the provisions of Article 27 of Regulation 987/2009 explain the procedure to be followed to ensure that the cash benefits can be paid by the competent institution to the person concerned whilst s/he stays or resides in another Member State. The conditions for the entitlement to cash benefits are always determined by the legislation of the competent Member State but should not be subject to any reduction, amendment or suspension in accordance with the provisions of Article 7 of Regulation 883/2004. Therefore, if a national legislation only allows payment of cash benefits in its

territory, it must either be amended to insert the provisions of Article 7 in the text itself or interpreted in the light of Article 7 of Regulation (EC) N°883/2004. In the last case, and to ensure that the competent institutions have the same interpretation, some soft law such as a circular should be adopted.

I hope you find this information helpful. I would also like to stress that the interpretation given by the Commission services does not engage or bind the European Commission as such. This interpretation does not prejudge the interpretation which the Court of Justice of the European Union, as the final body responsible for the interpretation of the Treaty and of secondary legislation, can make on the issues raised.

Yours sincerely,



David DION
Head of Unit