

DECISION No U1

of 12 June 2009

concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family

(Text of relevance to the EEA and to the EC/Switzerland Agreement)

(2010/C 106/11)

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Having regard to Article 72(a) 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 ⁽¹⁾, under which the Administrative Commission is responsible for dealing with all administrative questions or questions of interpretation arising from the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾,

Having regard to Article 54(2) and (3) of Regulation (EC) No 987/2009,

Whereas:

- (1) Pursuant to Article 54(3) of Regulation (EC) No 987/2009, if under the legislation of a Member State the amount of unemployment benefit varies with the number of members of the family, the competent institution shall also take into consideration when calculating the benefit the number of members of the family residing in the territory of a Member State other than that where the competent institution is situated.
- (2) Under Article 2(2) of the said Regulation, the institutions shall provide or exchange without delay all data necessary for establishing and determining the rights and obligations of persons to whom Regulation (EC) No 883/2004 applies.
- (3) The documents and structured electronic documents provided for under Article 4(1) of Regulation (EC) No 987/2009, are a means of proof of the rights of the person concerned, but their issue does not constitute a condition for such rights.
- (4) The documents relating to members of the family residing in the territory of a Member State other than that where the competent institution is situated can be

communicated only after the start of the period of unemployment for which benefit is payable.

- (5) Payments in arrears of increases in unemployment benefits payable for family members must be made for the period preceding the date of submission of information concerning family members residing in the territory of a Member State other than the Member State in which the competent institution is situated, provided that the said persons were already dependent on the unemployed person at the start of the period of unemployment for which benefit is payable.

Acting in accordance with the conditions laid down in Article 71(2) of Regulation (EC) No 883/2004,

HAS DECIDED AS FOLLOWS:

1. The communication of the document relating to members of the family after the start of the period of unemployment for which benefit is payable shall not have the effect of postponing the starting of the acquisition of entitlement to unemployment benefit at the increased rate for dependent members of the family, which shall be determined in accordance with the legislation of the competent State.
2. Where the institution communicating the document referred to in paragraph 1 is not in a position to certify that the members of the family are not taken into consideration for the calculation of unemployment benefits due to another person under the legislation of the Member State in whose territory they reside, the person concerned shall be allowed to supplement the said document by a declaration to that effect.
3. This Decision shall be published in the *Official Journal of the European Union*. It shall apply from the date of entry into force of Regulation (EC) No 987/2009.

The Chair of the Administrative Commission
Gabriela PIKOROVÁ

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.