

Regarding Notification Registration – Export U009

Article 64 of Regulation no. 883/04 and Article 55 (4) of Regulation no. 987/09

Dear Sirs

On **XX 2021** we were contacted by **XX** who presented a document PD U2 issued by you.

According to your information in the document PD U2, **XX** is a **XX** national and is therefore regarded as a third-country national.

Due to Denmark's reservation in the area of justice, the Danish authorities are not able to issue a Notification Registration – Export U009 to you concerning **XX**.

It appears from article 64 of Regulation no. 883/04 on the coordination of social security systems that if the conditions for the right to a document PD U2 have been met, a person to whom the regulation applies can bring three months' unemployment benefits while seeking new employment in another EEA country.

Furthermore, it appears from article 2 of the regulation that the regulation applies to nationals of an EEA country as well as to stateless persons and refugees residing in an EEA member state who are or have been subject to the legislation of one or more member states. Furthermore, the regulation also applies to family members and survivors even though such family member or survivor is not a national of an EEA country.

Apart from this, the regulation does not apply directly to persons who are not nationals of a country which is a member of the EU, so-called third-country nationals.

With Regulation no. 1231/10 extending the provisions of regulation no. 883/04, regulation no. 883/04 on the application of social security schemes to employed persons and their families moving within the Community was extended, however, to also apply to third-country nationals to whom the legislation of an EEA country applies.

Regulation no. 1231/10 was adopted in accordance with article 63(4) of the Treaty establishing the European Community. Rules in accordance with this article do not apply to Denmark owing to Denmark's reservation in the area of justice.

Reference is made to paragraph 19 of regulation no. 1231/10 and articles 1 and 2 of the Protocol on the position of Denmark that is an annex to the Treaty on European Union and the Treaty establishing the European Community.

This means specifically that Danish authorities, see regulation no. 883/04, cannot register third-country nationals who wish to seek new employment in Denmark with unemployment benefits from another EEA country and likewise third-country nationals cannot bring Danish unemployment benefits with them when seeking new employment in another EEA country.

If you have any questions to this letter please feel free to contact:

Danish Agency of Labour Market and Recruitment
Vermundsgade 38
DK-2100 København Ø
Denmark

Phone: +45 72 21 74 00

Secure e-mail: star@star.dk

Yours sincerely,

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