

JUDGMENT OF THE COURT**of 20 March 2013****in Case E-3/12****The Norwegian State, represented by the Ministry of Labour v Stig Arne Jonsson**

(Regulation (EEC) No 1408/71 — Social security for migrant workers — Unemployment benefits — Residence in the territory of another EEA State — Condition of actual presence in the State of last employment for entitlement to unemployment benefits)

(2013/C 277/07)

In Case E-3/12 the Norwegian State, represented by the Ministry of Labour v Stig Arne Jonsson — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Borgarting lagmannsrett ('Court of Appeal') concerning the rules on free movement of workers within the European Economic Area, the Court, composed of Per Christiansen, Acting President and Páll Hreinsson, (Judge-Rapporteur) and Martin Ospelt (ad hoc), Judges, gave judgment on 20 March 2013, the operative part of which is as follows:

1. Article 71(1)(b)(i) of Regulation (EEC) No 1408/71 precludes a provision of national law pursuant to which entitlement to payment of unemployment benefits is conditional on actual presence in the EEA State concerned. Such a provision may not be relied upon against the persons referred to in Article 71(1)(b)(i) of that regulation.
 - (a) It is not relevant for the answer to this question whether the unemployed person lives in a country near the State of last employment.
 - (b) Moreover, in circumstances such as those of the defendant in the main proceedings, it is of no consequence for the application of Article 71(1)(b)(i) that an unemployed person registers as a job seeker and applies for unemployment benefits in his State of residence.
