

SUMMARY

# **ECJ 17 December 2020, case C-710/19 (G. M. A. (Demandeur d'emploi)), Social Insurance**

## ***G.M.A. – v – Belgium, Belgian case***

### **Summary**

A host state must grant a Union citizen a reasonable period to find a job.

### **Questions**

Must Article 45 TFEU and Article 14(4)(b) of Directive 2004/38 be interpreted as meaning that the host Member State is required to allow a jobseeker a reasonable period of time to acquaint himself or herself with potentially suitable employment opportunities and take the necessary steps to obtain employment, that the reasonable period of time cannot in any circumstances be less than six months, and that, during that period, the host Member State may require the jobseeker to provide evidence that he or she is seeking employment and that he has a genuine change of being engaged?

Must Articles 15 and 31 of Directive 2004/38, Articles 41 and 47 of the Charter and the principles of primacy and effectiveness be interpreted as meaning that the courts of the host Member State are required, when examining an action against a decision refusing to grant a jobseeker a right of residence for more than three months, to carry out a review of unlimited jurisdiction and to take account of factors arising after that decision, where those factors are likely to change the jobseeker's situation and justify granting that right of residence?

### **Ruling**

Article 45 TFEU and Article 14(4)(b) of Directive 2004/38/EC of the European Parliament and

of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC must be interpreted as meaning that a host Member State is required to grant a reasonable period of time to a Union citizen, which starts to run from the time when that Union citizen registered as a jobseeker, in order to allow that person to acquaint himself or herself with potentially suitable employment opportunities and take the necessary steps to obtain employment.

During that period, the host Member State may require the jobseeker to provide evidence that he or she is seeking employment. It is only after the expiry of that period that that Member State may require the jobseeker to show not only that he or she is continuing to seek employment but also that he or she has a genuine chance of being engaged.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2020-12-17

**Case number:** C-710/19