

SUMMARY

ECJ 23 April 2026, Case C-116/25, Ts. E. S. - Direktor na Teritorialno podelenie na Natsionalnia osiguriteln institut – Blagoevgrad

Ts. E. S. - Direktor na Teritorialno podelenie na Natsionalnia osiguriteln institut – Blagoevgrad (Bulgarian case)

Summary

Article 62(3) of Regulation No 883/2004, read in conjunction with Article 65(2) and (5)(a), does not require unemployment benefits in the Member State of residence to be calculated exclusively on the basis of the salary from the last employment in another Member State and does not preclude national rules that take into account income over a broader reference period; nor does it preclude legislation providing different calculation methods depending on whether employment periods were completed solely nationally or partly in another Member State.

Questions

Must Article 62(1) and (2) of Regulation No 883/2004 be interpreted as requiring that unemployment benefits are calculated exclusively on the basis of the salary received in the last period of employment, even where national law provides for a reference period and part of the employment was completed under the legislation of another Member State?

Must Article 62 of Regulation No 883/2004 be interpreted as precluding national legislation that provides different rules for calculating unemployment benefits depending on whether the relevant periods of employment were completed entirely under national legislation or partly

under the legislation of another Member State?

Ruling

Article 62(3) of Regulation No 883/2004, read in conjunction with Article 65(2) and (5)(a), must be interpreted as meaning that it does not preclude national legislation under which the amount of unemployment benefits in the Member State of residence is not determined exclusively on the basis of the salary received in respect of the last employment in another Member State, but may take into account income over a broader reference period in accordance with national law.

Article 62 of Regulation No 883/2004 must be interpreted as meaning that it does not preclude national legislation providing different methods for calculating unemployment benefits depending on whether the relevant periods of employment were completed entirely under national legislation or partly under the legislation of another Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2026-04-23

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