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Case No: 94713  
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Ministry of Children and Families  
Postbox 8036 Dep  
0030 Oslo  
Norway

Dear Madam/Sir,

**Subject: Access to parental benefits in Norway when spouse works in Sweden**

On 16 September 2025, the EFTA Surveillance Authority ("the Authority") received a complaint against Norway concerning access to parental benefits in Norway, where one spouse is also entitled to parental benefits in Sweden due to economic activity there.

According to the complainant, NAV referred to its guidance (*Hovednr. 45 – Rundskriv til EØS-avtalens bestemmelser om trygd - 14.9 Likestilling av faktiske forhold – trygdeforordningen artikkel 5*) stating that parental benefits used in another EEA State are deducted from the respective Norwegian shared parental leave quota. The complainant sees this not to be in line with Article 5 of Regulation 883/2004 on the assimilation of benefits, income, facts and events.

The Internal Market Affairs Directorate ("the Directorate") of the Authority understands that Norway considers its parental benefit as a maternity/paternity benefit under Regulation 883/2004, while Sweden has a corresponding, albeit longer in duration, parental benefit, which it considers to be a family benefit (see respective declarations under Article 9 of Regulation 883/2004, as published by the European Commission). Maternity/paternity benefits require a close link to the childbirth (see recital 19 of Regulation 883/2004). There is however a grey area in the transition as of when such benefits could or should rather be classified as family benefits. Since there is no clear-cut criterion to distinguish these benefits in either Regulation 883/2004 or the case law the European Courts, the national declarations of both States have currently to be accepted as they stand.

In order for the Directorate to examine and assess the complaint, the Norwegian Government is invited to provide the following information:

1. In the above-mentioned guidance at point 14.9.2, it is stated that Article 5 of Regulation 883/2004 would have as effect that ("equivalent") parental benefits from other EEA States have to be taken into account and, thus, be deducted from the Norwegian parental benefit. Please explain in more detail why such deduction seems appropriate to Norway? By deducting used Swedish parental leave periods and benefits, it seems that Norway would provide partly benefits at the cost of another EEA State and to the detriment of migrant workers.
2. While the Directorate recognises that Norway should not be obliged to provide and pay for more than what its national legislation foresees as parental benefit, it has difficulty to understand why the additional weeks provided under the Swedish legislation should not be used by the spouse that is actually economically active in Sweden and has the legal possibility take off time from work there? In particular,

since that benefit would be financed from Sweden and this would not cost Norway anything.

3. Moreover, how does Norway justify the deduction of benefits that are subject to a different branch of benefits as classified in Article 3 of Regulation 883/2004? The word “equivalent benefits” in Article 5 of Regulation 883/2004 refers implicitly to the same branch of benefits, as otherwise different risks would be addressed, which would *per se* not involve “equivalent benefits”.

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Directorate by *10 November 2025*. Please enclose copies of any relevant national legislation, including English translations if available.

Yours faithfully,

Maria Moustakali  
Deputy Director  
Internal Market Affairs Directorate

*This document has been electronically authenticated by Maria Moustakali.*