



AD HOC QUERY ON 2020.1 Access to the national labour market

Requested by Joanna SOSNOWSKA on 7 January 2020

Compilation produced on 9 March 2020

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden, United Kingdom (22 in Total)

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1. Background information

Referring to the questions below - in Poland, a foreigner is entitled to work if:

- he/she holds a work permit and stays in the territory of the Republic of Poland:

--> on the basis of a visa issued by another Schengen State, or

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--> on the basis of a residence permit issued by another Schengen State, or
--> as part of visa-free travel;

(See Article 87 (1) sub. d-f of the Act of 20 April 2004 on employment promotion and labour market institutions)

2. Questions

1. Does the given Schengen State require that third-country nationals - who legally reside in the territory of another Schengen State on the basis of a visa or residence permit - in order to enter the given country for a period of up to 90 days within 180 days with the pupuse of work require that this person is obliged to obtain visa, residence permit or single residence and work permit of the destination Shengen State? Or are mentioned documents, issued by another Member State, are sufficient basis for a legal stay for the purpose of work (subject to obtaining a work permit or similar authorization)?

2. Does the given Schengen State require that third-country nationals - who legally reside and are employed in the territory of another Schengen State and who are to be posted from that other Schengen State for up to 90 days within 180 days within the freedom to provide services - must obtain a visa (e.g. vander Elst visa)? Or is a visa or residence permit issued by another Member State is a basis for a legal stay for work in that country within the freedom to provide seVICES?

3. Are there any exceptions to the provisions applicable to the above issues?

4. Does the given Schengen State allows a third-country national to work while residing within the visa-free regime (subject to obtaining a work permit or similar authorization)?



We would very much appreciate your responses by **5 February 2020**.

3. Responses

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
		Wider Dissemination ²	
	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. A third-country national holding a visa or residence permit issued by another EU member state has a right to stay in Belgium for a period of up to 90 days in a 180 days period. If s/he wishes to work during this period, s/he needs to apply for a work permit at the level of the competent region, i.e. the region where his or her employer is based (Flanders, Wallonia, Brussels Capital Region or the German-speaking Community).</p> <p>2. A third-country national legally residing and employed in another EU member state posted in Belgium for a period of up to 90 days in a 180 days period does not need to obtain a visa issued by the Belgian authorities. S/he can provide services on the basis of his or her visa or residence permit issued by the other EU member state.</p> <p>3. No. Third-country nationals legally residing in another EU member state and wishing to work in Belgium for a period of up to 90 days in a 180 days period do not need to obtain a short-term visa</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."



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			<p>granted by the Belgian authorities.</p> <p>4. See Q1.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. Croatia is not a Schengen State. Answers are given in relation to visas and residence permits issued by Schengen States.</p> <p>At its session held on 10 July 2014, the Government of the Republic of Croatia adopted the Decision on unilateral recognition of certain documents as equivalent to a Croatian visa, for transit or intended stay in the Republic of Croatia, not exceeding 90 days in each 180-day period (OG 84/14).</p> <p>In accordance with the Decision, the following documents are, inter alia, recognized as being equivalent to a Croatian visa for transit or intended stay in the territory of the Republic of Croatia not exceeding 90 days in each 180-day period:</p> <ul style="list-style-type: none"> • Uniform Schengen Visa valid for the territory of all Schengen countries and valid for two or more entries, Schengen Limited territorial validity visa (LTV visa), issued to the holder of a travel document not recognized by one or more but not all Schengen countries, and that is valid for the countries that recognize the travel document, valid for two or more entries; • long-term visa for a stay longer than 90 days, issued by one of the Schengen States; <p>A third-country national holding abovesaid visa or residence permit issued by another Schengen EU member state has a right to stay for a period of up to 90 days in a 180 days period. If s/he wishes to work during this period, s/he needs to apply for a work permit/residence and work certificate.</p> <p>2. A third-country national holding abovesaid visa or residence permit issued by another Schengen EU member state has a right to stay for a period of up to 90 days in a 180 days period as a posted worker (under conditions from Directive 96/71).</p>


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			<p>3. No</p> <p>4. No. If s/he wishes to work during this period, s/he needs to apply for a work permit/residence and work certificate.</p>
	EMN NCP Cyprus	Yes	<p>1. N/A. Cyprus is not a full member of Schengen visa.</p> <p>2. N/A. Cyprus is not a full member of Schengen visa.</p> <p>3. N/A. Cyprus is not a full member of Schengen visa.</p> <p>4. N/A. Cyprus is not a full member of Schengen visa.</p>
	EMN NCP Czech Republic	Yes	<p>1. Response to questions 1 &2:</p> <p>A visa / residence permit granted by another Member State entitles its holder – a third-country national – to stay in the Czech Republic for up to 90 days within a period of every 180 days. If he/she wants to work during his/her stay, he/she may do so only if he/she obtains a work permit from the Labour Office of the Czech Republic – unless he/she belongs to some of the categories of workers who are not required to have a work permit: e.g. workers posted in the framework of the provision of services according to the Directive 96/71/EC. In such a case, a migrant holding other Member State's visa/ residence permit is allowed to work even without a work permit.</p> <p>2. See Q1.</p>


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			<p>3. No. A short-term visa granted directly by the Czech Republic is never required for any category of migrants; a visa / residence permit granted by another Member State suffices for a short-term stay which includes remunerated activities.</p> <p>4. Third-country nationals staying in the Czech Republic in a visa-free regime are not allowed to engage in any remunerated activities at all. An exception applies to certain types of economic activities listed in a special government regulation: provision of services or goods or a an installation of technological equipment, an artistic or sport performance, academic lecturing et al. provided that the length of performance of such work in the Czech Republic does not exceed 7 consecutive days or 30 days within a whole year, short-term activities of business visitors, accredited journalists, clergymen, military and civil personnel of an allied country and several other categories of workers.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Estonia does not require to obtain additional visa or residence permit in the abovementioned case and valid visa or residence permit is sufficient legal base to stay in Estonia. It is required that his/her employment should be registered at the Police and Border Guard, except of cases where right to work in Estonia arises directly from the law or the treaty ratified by the Riigikogu. Right to work in Estonia arising from law: A TCN who is a member of a locomotive crew, or belongs to the service personnel of a locomotive or train, or is a driver of a motor vehicle engaged in the carriage of passengers or goods involving the crossing of the national border, or a member of an aircraft crew is permitted to work in Estonia although the TCN does not have a residence in Estonia and his or her employer does not have a permanent establishment of the undertaking in Estonia but a legal basis exists for the temporary stay in Estonia of a TCN. A TCN who has a legal basis for a temporary stay in Estonia may be permitted to stay in Estonia for the purposes of performing directing or supervisory functions of a legal entity or a branch of a foreign company registered in Estonia for the duration of his or her temporary stay. A TCN may take employment in Estonia without a residence permit issued for employment if he or</p>

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			<p>she:</p> <ol style="list-style-type: none"> 1) is a journalist accredited by the Ministry of Foreign Affairs and has a legal basis for the stay in Estonia; 2) who has a legal basis for the stay in Estonia, whose employment is of temporary nature and whose term of employment does not exceed five days within the period of 30 days; 3) who has the right to stay in Estonia arising from the expiry of the period of validity of the temporary residence permit; 4) has a long-stay visa or residence permit for the purposes of studies issued by a competent authority of a member state of the Schengen Convention on condition that such employment in Estonia does not interfere with the studies; 5) has a legal basis for the stay in Estonia, specified in clauses 43 (1) 1)–4) and 6)–8), who has been admitted to the studies in an educational institution at the fourth or fifth qualification level of vocational training, in professional higher education or Bachelor's studies, to the studies based on the integrated curricula of Bachelor's and Master's studies or Master's or Doctoral studies, on condition that such employment does not interfere with the studies. <p>2. No. Estonia does not require to apply for a visa or residence permit in that case and valid visa or residence permit, issued by another Schengen State is the legal ground to stay in Estonia and work within the freedom to provide services. Service providers need to register the employment in the Police and Border Guard (it is allowed to start work immediately after the sending application for registration to the Police and Border Guard).</p> <p>3. No, please see above.</p> <p>4. Yes, see answer to question nr 1.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. For stays of less than or equal to three months in France, it is not necessary to apply for a residence permit. Some third-country nationals are exempt from short-stay visas either because of</p>


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			<p>their nationality or because of a long-stay visa or a residence permit issued in another Member State.</p> <p>A residence permit and/or work permit, granted by another EU Member State, does not allow a foreign national to come and work freely in France, even for a period of less than 3 months. An employer or a company established in France, willing to recruit a third-country national or host posted employees must request prior authorization from the French administration. However, some cases of exemption from work permit exist: see Q3</p> <p>2. Third-country nationals holding a valid residence permit issued by another Member State are exempt from short-stay visas to reside in France for less than 90 days. Third-country nationals who are legally and regularly employed in another Member State and who are posted to France by their employer must apply for a work permit. When an employee is posted to France, the host company must make a prior declaration of posting to the Labour Inspectorate of the place where the service is provided. The foreign employer (European or third country) has to make the declaration before the start of the service, through the dedicated teleservice, the SIPSI (also available in German, English, Spanish and Italian). However, the Labour Code provides exemption from work permit when the posted employee works regularly and habitually for an employer established in the EU, another State party to the Agreement on the European Economic Area or the Swiss Confederation. If the posted employee is exempted from work permit, he/she will justify his/her stay in France by the presentation of his/her passport and the documents having justified the exemption from work permit (establishing the relation and period of work).</p> <p>3. As part of intra-EU mobility for stays of maximum 90 days :</p> <p>Researcher: After notification of his/her mobility to the competent administrative authorities, the researcher with a residence permit issued in another Member State and staying in France, will be exempted from work permit (and visa) to conduct a part of his/her research work or provide teaching, basis of the hosting agreement concluded in the first Member State. The researcher has to provide that he/she has sufficient resources.</p> <p>Foreign national, with residence permit issued in the first Member State for a temporary intra-group transfer (ICT permit) can carry out an intra-group mobility mission in France for less than or equal</p>
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			<p>to ninety days period in order to occupy a position of higher management or to bring his/her expertise in an establishment or a company of the group which employs him/her. The establishment or company established in the first Member State shall notify the foreign national's mobility project in advance, to the competent administrative authorities of the first Member State as well as to the competent administrative authority.</p> <p>For a period of less than or equal to 3 months, foreign employees who are nationals of third countries are exempt from work permit when they come to the French territory to exercise a salaried professional activity in the following areas:</p> <ul style="list-style-type: none"> sport, cultural, artistic and scientific events; conference, seminars and trade show; cinematographic, audiovisual, show and phonographic production and distribution; modeling and shooting; personal services and domestic workers during the stay in France of their private employers; audit and expertise missions in IT, management, finance, insurance, architecture and engineering, as part of a service contract or intra-group mobility; occasional teaching activities by invited professors. <p>However, the foreign national must justify a visa or residence permit issued by a Member State, and his/her missions or activities carry out in France are really subject to exceptions and related to the functions he/her performs for his/her original employer.</p> <p>4. The foreign national will have to apply for a work permit in France depending on the nature of the activity he/she will exercise on the territory. See answers above.</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. A visa or residence permit issued by another Schengen country does not entitle to work in Germany. With a German Schengen visa, on the other hand, is allowed to work if the visa has been issued for this purpose. This is excluded in cases in which the purpose of gainful employment requires a stay of more than 90 days due to European regulations (Art. 1 lit. a) of Directive 2014/66 / EU; Art. 1 lit. a) of Directive (EU) 2016/801). In these cases, a national</p>


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			<p>(German) visa is required.</p> <p>2. Yes. A foreigner who is properly employed in another member state of the European Union or the European Economic Area and who is temporarily posted to Germany to provide a service requires a residence permit, which is issued by the German diplomatic mission as a so-called Vander Elst visa (§ 21 Employment Ordinance).</p> <p>3. Yes. Certain activities that are only carried out for a short period of time and therefore do not require a residence permit that explicitly permits employment are not considered employment within the meaning of the Residence Act. e.g. the activity of executives and business travelers for up to 90 days within a period of 180 days (see § 30 Employment Ordinance). Foreigners who have the legal status of a long-term resident in another member state of the European Union are exempt from the requirement of the Vander Elst visa for the provision of services on up to 90 days within a period of 12 months (Section 17a Residence Ordinance).</p> <p>4. Even those who are allowed to enter Germany for a stay that is not a short stay without a visa, first need a residence permit that allows them to work. Seasonal employment, on the other hand, can be practiced without a residence permit if the person has a work permit for the purpose of seasonal employment. Another job may only be carried out without a residence permit if you are entitled to do so on the basis of an intergovernmental agreement or a legal provision or who has been permitted to do so by the competent authority.</p>
	EMN NCP Greece	Yes	<p>1. Third country nationals cannot work in Greece with documents issued by another member state (Shengen visa or residence permit). They must obtain visa or/and resident permit by the Greek state.</p> <p>2. Third country nationals posted workers must also obtain visa from the Greek consulate, in order to provide services in the Greek territory.</p>



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			<p>3. No</p> <p>4. Third country nationals wishing to work in Greece must, in all cases, obtain visa. Some visa types give work permit for a period of time. In other cases the third country national must first obtain a visa to enter Greece and then apply for a residence/work permit.</p>
	EMN NCP Hungary	Yes	<p>1. The answer depends on the purpose of staying in the Schengen Area.</p> <p>(a) In case of a residence permit for purposes other than occupational activity: In order to work for up to 90 days, the third-country national must apply for a work permit from the competent government office according to the place of work. The government office is not investigating whether the third country resident is domiciled in Hungary. Therefore, it is not sufficient for a third-country national to legally reside in another Schengen State.</p> <p>(b) In case of residence permit for occupational activity: no work permit is required in order to work for up to 90 days, as it is already legally employed in the state concerned. Hungary does not examine (again) the legality of the employment within the Union.</p> <p>2. If the third-country national has a valid residence and work permit in a Schengen State and the company wishes to apply for posting in Hungary in the framework of providing a service there, third-country national does not need to apply for a work permit for work of less than 90 days. The posted worker needs to be reported to the labour inspectorate.</p> <p>3. With regard to question 1., there are cases of work permit exemptions, Article 15 of 445/2013. Government Decree regulates in detail. For example: for the employment of a third-country national in Hungary within the framework of a contract for employment relationship no work permit is required:</p> <ol style="list-style-type: none"> 1. if so prescribed by international agreement, an act or government decree; 2. for the director of a branch or representative office of a foreign-registered business association, as defined by international agreement; <p>...</p>

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			<p>16. for activities in the field of education, science or art for not more than ten working days per calendar year;</p> <p>17. for researchers for work carried out within the framework of an international agreement between Hungary and another State, provided that this is verified by a certificate issued by the Magyar Tudományos Akadémia (Hungarian Academy of Sciences);</p> <p>...</p> <p>4. If a third-country national from a visa-free country comes to work in Hungary, she/he has to apply for a work permit from the Government Office. Therefore, freedom of residence is not equivalent to the freedom to work.</p>
	EMN NCP Ireland	Yes	<p>1. Ireland is not part of the Schengen area and the query is not applicable.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>
	EMN NCP Italy	Yes	<p>1. As a general rule you may cross any Schengen border with visa issued by any Schengen country. However, the short-stay visa does not automatically entitle you to enter the Schengen area.</p> <p>According to the Schengen rules, the Schengen visa is generally valid for all the countries in the Schengen area.</p> <p>Art. 9 bis of Legislative Decree 286/98 establishes that a non-EU citizen holding a long-term residence permit issued by another Member State may apply to reside in Italy for a period of more</p>


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			<p>than 90 days in order to:</p> <ul style="list-style-type: none">work in an employed or self-employed capacity in accordance with the other conditions laid down in national legislationattend courses or vocational training <p>In order to be an employed person, the applicant must have prior work authorisation (nulla osta al lavoro) from the competent Italian immigration authorities (Sportello Unico per l'Immigrazione). However, authorizations are subject to numerical limitations: the Flows Decree ("Decreto Flussi") issued by the Italian Government which establishes a maximum number of residence permits for work that can be issued to holders of EU long-term residents permit.</p> <p>2. The "Van Der Elst" work permit is provided for by Italian Immigration Law (Legislative Decree 286/98) article 27 paragraph 1 bis and it can be applied for by those TCN who need to be temporary transferred to an Italian company in the framework of an international service agreement entered into force between an EU employer and the Italian host company and who meet the following requirements:</p> <ul style="list-style-type: none">they are employed by a company duly existing and incorporated inside the EU;they hold work and stay permit for the EU country where their employer is incorporated;a valid international service agreement has been entered into by an between the EU employer and the Italian host company;they remain on the payroll of the EU transferring entity for the entire duration of the transfer to Italy. <p>The Italian company that intends to temporary host the applicant shall submit a nominative notification to the competent Italian immigration authorities (Sportello Unico per l'Immigrazione) prior to the commencement of the secondment period. Nevertheless, it shall not wait for the issuance of a work authorization (nulla osta al lavoro).</p> <p>After the submission of the notification, the applicant – without the need of the prior obtainment of a work visa on his/her passport – will be entitled to enter Italy. Once in the Italian territory, he/she will complete the immigration procedure by submitting the necessary supporting documents and execute the contract of stay.</p> <p>The applicant's work and residence permit will have the same duration of the service agreement</p>
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			<p>and, in any case no longer than 2 years. It might be renewed for a further period of 2 years, only on the condition that the service agreement could not have been fully executed and terminated within the first 2 years of assignment.</p> <p>After the execution of the service agreement and/or the termination in Italy, the applicant will be legally obliged to leave the national territory and go back to the transferring company abroad.</p> <p>As for the second question, a visa or residence permit issued by another Member State is a basis for a legal stay for work in that country within the freedom to provide services (up to 90 days within 180 days).</p> <p>3. N/A</p> <p>4. Third-country nationals belonging to States where a visa-free regime is envisaged, who intend to travel for “business reasons” and for a short stay of 90 days, do not need a visa.</p> <p>However, if a TCN intends to work in the Schengen area for a period longer than 90 days, he/she is required to apply for a long-term visa or “National Visa”.</p>
	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. According to Immigration Law the third-country nationals who legally reside in the territory of another Schengen State on the basis of a visa or residence permit, are not allowed to be employed in the Republic of Latvia without acquiring visa or residence permit in Latvia and the right to employment.</p> <p>2. Workers, who legally reside and are employed in the territory of another Schengen State, on the basis of visa or residence permit issued by that MS and a valid travel document, can be posted to Latvia for a period of not more than three months in any six-month period. For this period of posting they do not have to obtain the right to employment or visa/residence permit in Latvia.</p> <p>3. According to Immigration Law a certification regarding the right to employment with a specific</p>


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			<p>employer and in a specific speciality (profession) shall not be required if a foreigner is lawfully staying in the Republic of Latvia in relation to:</p> <ol style="list-style-type: none"> 1) performance on tour (concert on tour) as a creative artist or performing artist, or as an, administrative or technical worker involved in ensuring of the performances (concerts) and the intended length of stay in the Republic of Latvia does not exceed 14 days; 2) an invitation from an educational institution or scientific institution, or individual scientist for conducting of scientific research or participation in the implementation of educational programmes and the intended length of stay in the Republic of Latvia does not exceed 14 days; 3) the fact that he or she is a researcher who resides in the Republic of Latvia in accordance with Immigration Law Section 5.2, Paragraph one of this Law and has been elected to an academic position at any college, higher education institution or scientific institutes of the Republic of Latvia or is a student who resides in the Republic of Latvia on ground of mobility and whose employment does not exceed 20 hours per week; 4) being a crew member of the ship, which performs international voyages and is registered in the Latvian Ship Register; 5) being a crew member of a vehicle, which performs international voyages and is registered in a foreign state; 6) being lawfully employed in another European Union Member State, Member State of the European Economic Area or in the Swiss Confederation and the employer appoints him or her for provision of services in Latvia for a time period not exceeding 90 days within six months; 7) being an individual merchant registered in the Commercial Register, a member of the board of directors or council, a proctor, an administrator, a liquidator or a member of a partnership who has the right to represent the partnership, or a person who is authorised to represent a merchant (foreign merchant) in activities related to the branch, or a self-employed person, and the duration of stay does not exceed 90 days within six months; 8) being an intra-corporate transferee whose duration of stay in the Republic of Latvia does not exceed 90 days in any period of 180 days and who holds a valid temporary residence permit issued by another European Union Member State as an intra-corporate transferee; 9) being employed in the Republic of Latvia and duration of his or her stay in the Republic of Latvia does not exceed 14 days in any period of 180 days; 10) traineeship within the scope of a study programme; 11) acquisition of adequate professional experience in the status of a trainee not later than two
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			<p>years after completing higher education studies.</p> <p>Also a work permit shall not be required if a foreigner is lawfully staying in the Republic of Latvia and unlimited access to the labour market is stipulated by an international treaty binding upon the Republic of Latvia.</p> <p>4. A third-country national who enter the Republic of Latvia within the visa-free regime is not allowed to be employed in the Republic of Latvia. In this case visa or residence permit with a right to employment shall be acquired.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Third-country national, to whom the visa-free regime applies (as well as, if s/he is in possession of a Schengen visa, a residence permit issued by another Member State, a residence permit or national visa issued by another Schengen Member State), can stay and work in Lithuania (for the legal short period), if s/he: a) has a work permit or b) fulfills the conditions for exemption from the obligation to obtain a work permit.</p> <p>E.g. according to the article 58(6) of the Law of the Republic of Lithuania on the Legal Status of Aliens, alien is exempt from having to obtain a work permit, if s/he is a permanent employee of a company established in a Member State of the EU or the European Free Trade Association, and is posted to work temporarily in the Republic of Lithuania, and is insured in that State.</p> <p>2. TCNs who legally reside and are employed in the territory of another State coming for less than 90 days <u>to provide services</u> do not have to obtain a visa.</p> <p>3. See Q1 and 2.</p> <p>4. Yes, see answer to Q1. Working is allowed during the stay (up to 90 days). A work permit is mandatory, except in certain limited cases when it is waived by law. All employers must inform Employment Service and State Labour Inspectorate on employing a foreigner worker.</p>


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	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. In Luxembourg, the third-country national residing in another Member State cannot work in Luxembourg without a salaried worker authorisation of stay and a single residence and work permit in accordance with article 35 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). Article 35 states: "(1) During the period of his/her residence, a third-country national shall not have the right to work in a salaried or self-employed activity unless he/she has been authorised to do so by the Minister in accordance with the criteria laid down in Section 2 of this Chapter with regard to the pursuit of the activity in question. (2) The following persons are not subject to the authorisation referred to in paragraph 1 of this Article, provided that the period spent working on Luxembourg territory amounts to less than three months per calendar year: (a) personal of funfairs, circuses and other travelling establishments; (b) "workers in the entertainment industry without steady employment"; (c) sportsmen; (d) conference speakers, university lecturers and "invited researchers " ; (e) persons on business trips, that is to say, travelling in order to visit business partners, to seek and develop business contacts, to negotiate and conclude contracts, to participate in shows, fairs and exhibitions or to take part in board meetings and general meetings of companies; (f) persons intending to reside on the territory in order to supply services within the same group of companies, with the exclusion of any service supplied in the context of a subcontracting arrangement.</p> <p>Or are mentioned documents, issued by another Member State, a sufficient basis for a legal stay for the purpose of work (subject to obtaining a work permit or similar authorization)?</p> <p>If the third country national falls into the category mentionned in article 35(2), he/she can enter and stay in Luxembourg for the purpose of work by way of the residence documents of the other</p>

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			<p>Schengen State. In the other case, the third-country national has to apply at the Directorate of Immigration for an authorization of stay for the purpose of work from his/her country of residence (and not from his/her country of origin as it is required in article 39 of the Immigration Law), but this application has to be submitted before entering the country.</p> <p>2. As it was mentioned in the answer to Q.1 under article 35 (2) f) of the Immigration Law are exempted from applying for an authorization of stay persons intending to reside on the territory in order to supply services within the same group of companies, to the exclusion of any service supplied in the context of a subcontracting arrangement.</p> <p>In the case of posted workers they will not have to obtain a salaried worker residence permit in accordance with article 49 (1) of the Immigration Law that states "... an undertaking established in another Member State of the Union, in another State party to the Agreement on the European Economic Area or in the Swiss Confederation may, in the context of a supply of services, freely post its salaried workers, irrespective of their nationality, to the territory of Luxembourg, as from the time when the workers thus posted have the right, during the posting, to work and reside in the country in which the undertaking making the posting is established."</p> <p>3. No.</p> <p>4. For third-country nationals residing in another Schengen State within a visa-free regime, in order to enter and stay in Luxembourg for a period of up to 90 days within 180 days with the purpose of work, the same conditions apply as mentioned in answer to question 1.</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. The Netherlands does not require a third country national with a residence permit and/or visa in another Schengen State to obtain a residence permit if he wants to stay for a period of 90 days within 180 days. The main rule is that working in the Netherlands during these 90 days is only possible if an employer has issued a working permit ('TWV') for the employee to the Employee</p>



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			<p>Insurance Agency unless there is an exemption with regard to the work permit.</p> <p>2. No, the Netherlands does not require a third country national with a residence permit in another Schengen State to obtain a visa or working permit, as long as s/he continues to work for the same EU, EEA or Switzerland-based employer and provides cross-border services to the Netherlands (contracted work in the Netherlands is not allowed). The services provided in the Netherlands have to be similar to the work that was provided in the country of residence. However, s/he has to notify the work at least two days before the work starts to the Employee Insurance Agency (UWV), using a notification form. Please note that as of March 1 2020, the employer has to notify the arrival of the workers through an online Notification Portal instead.</p> <p>If the third country national wishes to stay longer than the 90 days within 180 days, he needs a residence permit. In order to be eligible for a residence permit, the Immigration- and Naturalization Service (IND) considers a residence permit and working permit from another Schengen state, as well as a labour contract with the employer inside the other Schengen State, as evidence that the return of the third country national to the country of (permanent) residence is guaranteed. The wage s/he receives has to be at least the minimum wage and, in case of generally binding collective agreements, the Collective Labour Agreement wage. Furthermore, the third country national needs to prove that s/he has enough sufficient income available for his duration of stay. He can prove this with a labour contract, salary specifications and an employer's statement.</p> <p>3. As mentioned in answer 1, there are exemptions with regard to the work permit, under certain conditions. For example, a third country national is entitled to (search for) work freely in the Netherlands during a period of up to 90 days within 180 days, when s/he is a family member or partner of an EU/EER- or Swiss citizen. However, this EU-citizen, has to be employed inside the Netherlands as well, and his/her income needs to be more than 50% of the applicable social assistance standards or s/he works at least 40% of the usual full working time.</p> <p>4. Yes, the Netherlands does allow a third-country national to work while residing within the visa-free regime, however, the main rule is that a work permit ('TWV') is necessary unless the work is exempted from a work permit.</p>
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	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. For Poland, documents issued by another Member State are sufficient basis for a legal stay for the purpose of work: "(...) A foreigner shall be authorized to carry out work in the territory of the Republic of Poland, where he or she: holds a work permit and stays in the territory of the Republic of Poland: (...) - under a visa issued by another Schengen state; or - under a stay-permitting document issued by another Schengen state; or - in visa-free travel."[1] [1]Article 87 (1) sub. d-f of the Act of 20 April 2004 on employment promotion and labour market institutions</p> <p>2. Visa or residence permit issued by another Member State may be a basis for a legal stay (up to 90 days within 180 days) for work in PL within the freedom to provide services: "(...) Exempt from the duty to hold work permits shall be a foreigner who: (...) - Is authorized to stay and carry out work in the territory of a European Union Member State or a European Economic Area State not belonging to the European Union or the Swiss Confederation, who is employed by an employer having its seat in the territory of such state and temporarily delegated by this employer in order to provide services in the territory of the Republic of Poland."[2] [2] Article 87 (1) sub. 8 of the Act of 20 April 2004 on employment promotion and labour market institutions</p> <p>3. No</p> <p>4. Yes - see answer no. 1, sub. f.</p>
	<p>EMN NCP</p>	<p>Yes</p>	<p>1. TCNs may enter for short stay for professional reasons. however they will need a work visa.</p>

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	Portugal		<p>2. TCNs may enter for short stay for professional reasons. however they will need a work visa.</p> <p>3. No</p> <p>4. No</p>
	EMN NCP Slovakia	Yes	<p>1. The Act on the Residence of Foreigners states that temporary residence for the purpose of employment is not required up to 90 days from the beginning of residence in the territory of the Slovak Republic if the TCN meets the conditions for stay under the Schengen Code and fulfills condition that: (a) the TCN is obliged to notify the police department within three working days of entry about: a) beginning of the stay, place and expected length of stay, if s/he was granted Schengen visa or national visa or if visa is not required from him/her, unless this obligation lies on the provider of accommodation; at the request of the TCN, the police department shall issue a certificate about his/her stay); and</p> <p>a) works for a major foreign investor in the Slovak Republic,</p> <p>b) is posted by an employer established in a Member State to the territory of the Slovak Republic as part of the provision of services provided by that employer;</p> <p>c) is employed in international public transport, if s/he is posted by his foreign employer to work in the territory of the Slovak Republic,</p> <p>d) is employed for a specified period for the purpose of his/her training in the case of work with a lack of labor force and has submitted an application for temporary residence for the purpose of employment together with all the requirements pursuant to Section 32 of the Act on Residence of Foreigners for the same job;</p> <p>e) ensures the supply of goods or services on the basis of a commercial contract and delivers such goods or performs assembly, warranty and repair work, works related to the setting up of production equipment systems or performs programming work or professional training in connection with the supply of goods or services if the duration of his secondment does not exceed a total of 90 days per year,</p>

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			<p>f) which, for a company that has received investment aid under a special regulation, supplies goods or services under a commercial contract and supplies or carries out the installation, warranty and repair work, work on setting up production equipment systems, programming work or professional training during the period for which the investment aid approval decision was issued,</p> <p>g) carries out seasonal employment; or</p> <p>h) who provides vocational training to the corporate service center, provided that the duration of his/her employment relationship with the corporate service center does not exceed a total of 90 days per calendar year.</p> <p>In general, however, an employer can only employ a TCN who:</p> <ul style="list-style-type: none"> a. is the holder of the EU Blue Card b. has been granted temporary residence for the purpose of employment, on the basis of a confirmation of the possibility to fill in a vacancy; c is granted a work permit and a temporary stay for the purpose of employment; d is granted a work permit and temporary residence permit for the purpose of family reunification; e. is granted a work permit and a temporary stay of a third-country national who has a long-term resident status in a Member State of the European Union f. meets the conditions of Art. 23a) of Act no. 5/2004 Coll. on Employment Services - no confirmation of vacancy or work permit is required (for the specifics please see https://www.mic.iom.sk/en/work/who-does-not-need-a-work-permit-or-confir...) , TCN according to points (a) to (e) may be employed only in an employment relationship <p>2. For the posting of a TCN employee, legally resident and employed in the territory of another Schengen State and to be posted from that other Schengen State for a period of 90 days up to 180 days the following applies: Temporary residence for the purpose of employment is not required within 90 days from the beginning of the stay in the territory of the Slovak Republic, if the TCN meets the conditions for residence under the Schengen Code (see Q1) and: (...) (b) is posted by an employer established in a Member State to the territory of the Slovak Republic as part of the provision of services provided by that employer.</p>
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			<p>The Employment Services Act states that:</p> <p>"(6) An employer who employs a TCN posted by an employer established in a Member State of the EU in the context of the provision of the services provided by that employer, shall provide the TCN's details to the Labor Office, Social Affairs and Family filled in an official form determined by the Central Labour Office within 7 working days from the date of commencement of employment and no later than 7 working days from the date of termination of employment. This obligation lies also upon the informing organization to which the TCNs are posted no later than 7 working days from the date of secondment of the TCN and no later than 7 working days from the end of the secondment.</p> <p>In the case of a TCN posted by an employer established in a Member State of the European Union in the context of the provision of services provided by that employer, the annex to the form referred to in the first sentence shall also include:</p> <p>a) a document confirming the provision of accommodation meeting the minimum requirements under a special regulation for at least the envisaged period of posting in the case of a third-country national who is not subject to a visa requirement under a special regulation;</p> <p>(b) a copy of the certificate of applicable legislation, if any (under the Art. 19 (2) Regulation 987/2009);</p> <p>(c) a copy of the document of residence in the territory of the Member State in which the TCN usually works if the residence permit is required by the legislation of the State s/he is posted from.</p> <p>3. No.</p> <p>4. TCNs residing within a visa-free regime wishing to perform employment in the Slovak Republic need to obtain so called Single permit which is type of temporary residence for the purpose of employment issued on basis of the confirmation on the possibility to fill in a vacancy.</p> <p>In case of seasonal employment, performing it for a period longer than 90 days is possible only based on a temporary residence for the purpose of seasonal employment. However, the overall duration of seasonal employment may not exceed 180 days. A third country national who wishes to perform seasonal employment may either apply for temporary residence for the purpose of seasonal employment, while starting the seasonal employment after obtaining the residence, or he/she may perform seasonal employment during the first ninety days based on a work permit within the visa-free regime (or based on a granted visa for the purpose of seasonal</p>
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			employment) and the other ninety days based on temporary residence for the purpose of seasonal employment.
	EMN NCP Slovenia	Yes	<p>1. Third-country nationals who legally reside in the territory of another Schengen State on the basis of a visa or residence permit and enter the Republic of Slovenia with the purpose of work, need to obtain a single residence and work permit in Republic of Slovenia.</p> <p>2. Yes, third-country nationals who are posted from other Schengen State to Republic of Slovenia must obtain single residence and work permit for the cross-border provision of services involving posted workers (Article 45 of the Foreigners Act (Official Gazette of RS, no. 1/18 - official consolidated text, 9/18 - corr. And 62/19 - odl. US)).</p> <p>3. Yes, a foreign employer may provide services related to the supply of goods and servicing with posted workers in the Republic of Slovenia on the basis of the notification of the commencement of the provision of services (Article 36 of the The law on employment, self-employment and work of foreigners (Official Gazette of RS, no. 1/18 - official consolidated text and 31/18).</p> <p>The services referred to in the previous paragraph are permitted in the following cases:</p> <ol style="list-style-type: none"> 1. where the services provided by posted workers are related to the supply and installation of machinery, plant or equipment, the deployment of contracting staff, or the dismantling of machinery, plant or equipment; 2. when it comes to performing regular maintenance services, if they are agreed in a contract for the purchase of machinery, plant or equipment and provided by posted workers employed by the manufacturer; or 3. when, under the contract for the supply of machinery, appliances or equipment from abroad, the supplier is obliged, at his own expense, to rectify defects on the supplied machines, appliances or equipment. <p>The employer shall register the start of the provision of services at the public authority for employment (Zavod RS za zaposlovanje) before the start of the provision of the service. The</p>


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			<p>authority shall issue a certificate on the completed application. The services referred to in the first paragraph may be performed continuously for 14 days and for a total of 90 days in a calendar year. The same posted worker may be re-posted to work in the Republic of Slovenia after a temporary interruption lasting as long as the previous provision of services.</p> <p>4. No. Third-country national can begin to work in Republic of Slovenia only after he/she obtains residence permit or single residence permit.</p>
	EMN NCP Sweden	Yes	<p>1. Third-country national who legally resides in the territory of another Schengen State has a right to reside in Sweden for a period of up to 90 days within 180 days. If the purpose of the residency in Sweden is work, third-country national needs to apply for work permit, if he or she is not covered by any of exceptions from the requirement of work permit. The exceptions are basically valid for given categories of profession and applies for a given period of time (se p. 3). Work permit is not required for third-country nationals who legally reside and are employed in the territory of another Schengen State and who are posted from that other Schengen State for up to 90 days within 180 days within the freedom to provide services. They do not have to have a work permit for the period of time corresponding to the period of the temporary work (posting).</p> <p>2. If a stay is planned to be longer that 90 gays within 180 days third-country national needs to obtain residence permit. According to Chapter 4 § 7 Alien Ordinance a residence permit will be given for a period being corresponding to the period of temporary work if the conditions to be covered by the exemption from work permit are fulfilled.</p> <p>3. The exceptions are basically valid for given categories of profession and applies for a given period of time. Exempted from requirement from work permit are i.a. specialists within an international corporation (up to one year), practical experience, internal training at a company in an international group (up to three months over the period of 12 months), training, testing or preparation within the framework of a business transaction (up to three months over the period of</p>

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			<p>12 months), students (during whole period of residence permit for studies in Sweden), visiting researchers (during the whole period of residence permit for research in Sweden), researchers or teachers in higher education called to Sweden for research, teaching or lecturing activities (up to three months over the period of 12 months), fitters or technical instructors performing urgent work (period of two months from the entry), artists (fourteen days over the period of 12 months), professional athlete of a functionary (up to three months over the period of 12 months), drivers and crew on a tourist bus (up to three months from the entry), caretakers of the person visiting Sweden for medical care or reaction (up to three months over the period of 12 months), aid effort for a disaster or accident in Sweden (for a whole period), .</p> <p>4. Third-country nationals are not allowed to work in Sweden while residing within the visa-free regime (residing in Sweden on the basis of a visa or residence permit in other Schengen State), in other cases than those covered by the exemptions from requirement for a work permit (se q. 3).</p>
	<p>EMN NCP United Kingdom</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The UK is not a Schengen State so all third-country nationals, regardless of where they are residing, must apply for an appropriate work visa before coming to the UK. 2. Same as above. 3. No. 4. N/A, as the UK is not part of the visa-free regime.
