



Ecctis

twg

TRADE & WORK
GLOBAL

www.ecctis.com/twg



Fast Guide

for Business Visitors to the EU

twg@ecctis.com

March 2022

Fast Guide

for Business Visitors to the EU

1. Overview of changes

Since the UK left the EU, the European Single Market, and the customs union, the landscape for how we travel, trade, and provide services with our European neighbours has never been more complex. Leaving the Single Market means UK nationals cannot travel for business or contracted services without adhering to Member State-specific rules, regardless of the length of trip. UK businesses can no longer assume they can trade and provide services in the European Single Market as they did before and may need to reconsider their commercial and contractual arrangements to mitigate the new trade and immigration barriers.

2. Different rules, different countries

Each Member State has a different immigration system, entry requirements and labour market rules. That means UK businesses are faced with up to 27 different processes if they want to send their workers for any business-related travel to the EU. No country is the same. If you obtain a visa or a work permit for France, you will need something completely different for Germany. Even if a UK worker can travel to and work in an EU country without obtaining a work permit, they will still need to comply with that country's local labour law requirements.

3. Different categories of workers

Not only are there different rules for different countries, but there are also different rules depending on the type of worker. Completely different requirements apply to employees, the self-employed and intra-corporate transfers.

For advice: twg@ecctis.com
and +44 (0) 1242 258624

4. Providing a service/ business travel

Two of the most popular categories of 'traveller'. Providing a service is one of the most common routes to the Single Market. A UK employee is sent on behalf of their UK employer to provide a service to their EU client or customer under a commercial contract. If the service is not under a commercial contract, then many of the work permit or visa exemptions will not apply. This may happen where, for example, there is a joint venture between different organisations and there is no commercial contract with a final consumer of any product or any service.

Business travel is where UK nationals travel to the EU for lighter business matters. For example, meetings with colleagues, clients or customers, attending trade shows or seminars or negotiating or signing contracts. The key difference is whether the worker is providing a service or simply meeting counterparts. Providing a service would include presenting the seminar, whereas attending only would be categorised as a business visit.



www.ecctis.com/twg

5. Immigration vs Labour Law requirements

Immigration requirements apply when UK nationals need to enter an EU country. For example, a visa may be required, or the UK worker may need to provide a list of documents that prove who they are and the purpose of their visit.

Labour law requirements are those that permit the UK national to work or provide a service. This could be in the form of a work permit, having a recognised professional qualification or a national exemption from the former. Labour law requirements protect the undercutting of the local labour market and EU countries have stringent local rules in place for temporary foreign workers, such as complying with minimum wages, working hours and employer allowances. The local labour law is set at national, regional, and sectoral level and are found in each Member State's collective agreements.

6. Professional qualifications

Ecctis TWG can provide evidence of the recognition of a UK or international professional qualification in a different jurisdiction. For mobile workers, this may be required to establish their ability to work, provide technical services, or practise.

7. Social security and notifications

In addition to immigration and labour law requirements, UK nationals must also comply with social security coordination (commonly known as National Insurance Contributions (NICs) in the UK).

Regardless of any nationality, under EU Directive 883, any foreign worker must contribute to the local social security of the EU country where they provide a service or go and work in, regardless of the length of time spent there.

Despite this and before the UK left the EU, there was an agreement that no temporary foreign worker

would be required to pay social security twice (once in their home country and once when abroad) for up to 24 months. To qualify for this exemption, the foreign worker must prove that they do pay social security in their country of residence. In the UK, HMRC provide 'A1 forms' which are certificates that prove the worker pays UK NICs. If the UK worker cannot prove they pay their UK NICs, then they and their employer will be liable to pay local social security whenever they travel to the EU for work or business.

An A1 form is only valid for one person and one trip. Ecctis TWG can take away this repetitive administrative task and apply for all your employees' A1 forms, from weeks in advance to a last-minute trip.

After a UK worker has obtained their entry documents, work permissions, proof of professional qualifications and proof of social security contributions, they are ready to notify the local labour authorities in the EU country they are travelling to.

This is known as an 'advance notification' and most EU countries require either the UK employer or employee to supply information about themselves, the EU client or host, details of the trip, and entry and exit dates. Each EU country has a different system, some more complex than others.

There is rarely an exemption from making an advance notification and the worker or their employer must make one for each trip, each country and each worker.

**Contact us for expert advice
and practical support:**

twg@ecctis.com

+44 (0) 1242 258624

www.ecctis.com/twg