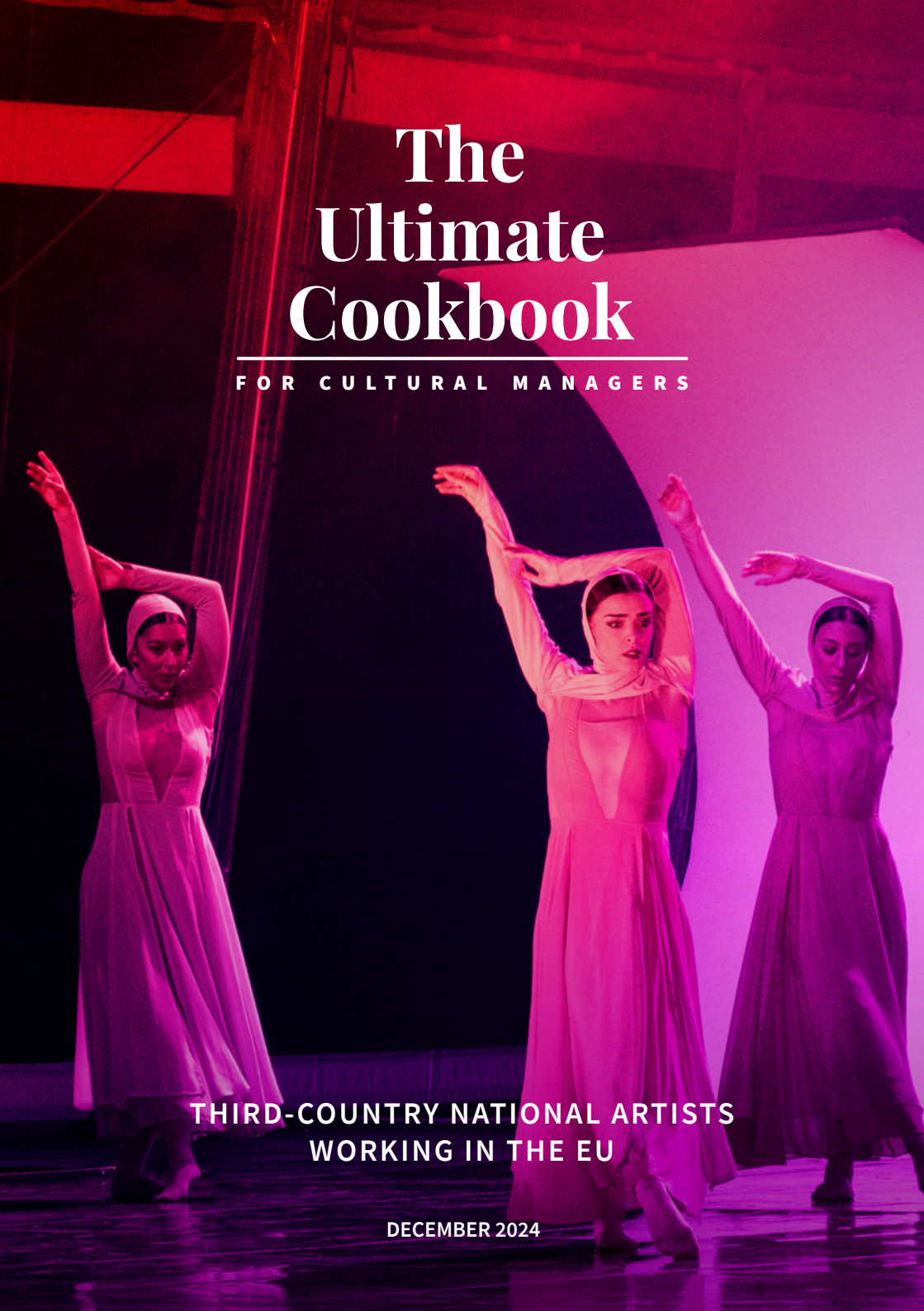


The background of the entire cover is a photograph of three dancers in white, long-sleeved, floor-length dresses with headscarves, performing a synchronized dance on a stage. The lighting is a deep red, creating a dramatic and artistic atmosphere. The dancers are positioned across the width of the frame, with their arms raised in a graceful pose.

The Ultimate Cookbook

FOR CULTURAL MANAGERS

THIRD-COUNTRY NATIONAL ARTISTS
WORKING IN THE EU

DECEMBER 2024

NOTICE

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Info on EFA Revealing the Alliance 2021–2024

Revealing the Alliance – Step 1 2 3 is the European Festivals Association (EFA)’s Creative Europe Network programme that runs from 2021 to 2024. Festivals are a strong feature of Europe’s cultural DNA and the continent’s artistic landscape, and this project will encourage the scaling up of Europe’s cultural sector.

Revealing the Alliance aims to initiate, consolidate and disseminate a trans-sectorial and interactive European Festivals Alliance by, for and through festivals. Building on its work in the past seventy years, the project offers a platform for festivals’ development and interaction with cities and businesses to implement the “European Festivals Alliance 70-Years-On Agenda”. During EFA’s annual Arts Festivals Summit and other meetings, festivals and their stakeholders organised in sub-communities will reflect and act jointly, equipping festivals with new models for intersectoral work. Each year will focus on a new thematic priority: Environmental sustainability; Innovation, co-creation and the use of public spaces; Access to culture, inclusion, gender balance, audience development. The ultimate aim of Revealing the Alliance is to grow sub-communities, identified with and owned/run by the Alliance through networking, capacity building, collecting and disseminating knowledge and practice, advocacy and communication. For this project EFA has teamed up with The Festival Academy, Pearle* and A Soul for Europe.

EFA / Pearle* Partnership

In the frame of the EFA **Revealing the Alliance** programme, EFA has teamed up with its partner Pearle*-Live Performance Europe to improve general knowledge of the legal and managerial aspects of cross-border cultural cooperation.

This capacity building partnership encompasses workshops, booklets, infographics, and recorded sessions in the context of internationalisation, cross-border cooperation, mobility and as a consequence of international developments.

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Romeu & Julieta, of Daniel Cardoso by Quorum Dance Company in Cistermúsica – Festival de Música de Alcobaça 2022. Photo: Cistermúsica

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Let's simplify
mobility rules
for third-country
national artists!

Prologue

The European Festival Association (EFA) and Pearle*-Live Performance Europe have often worked together to improve general knowledge of the legal and managerial aspects of cross-border cooperation - first through the RISE project funded by the European Union's Creative Europe Programme from 2014 until 2017, followed by the EFA RISE 2 project from 2017 to 2021 and finally the project **Revealing the Alliance 2021 – 2024**, also funded by Creative Europe.

In 2015 EFA and Pearle* began to organise a series of seminars and practical workshops under the experienced guidance of legal and academic experts. They covered a wide range of issues which either had a cross-border dimension or were of common interest to many cultural managers across Europe. Participants were invited to formulate their questions in advance. This area of activity led to the creation of the cookbook series in which theoretical approaches and practical cases sit side by side with suggestions for solutions.

The series continues under **Revealing the Alliance**. Cross-border working and international collaboration are deeply embedded in the DNA of the live performance sector. It goes without saying that this involves cooperation with third-country national artists and touring groups performing in European festivals, theatres, concert halls and venues. This brochure complements the publication on Visas for third-country national artists travelling to the Schengen area of March 2020 and the accompanying infographic of October 2023.

Inside this “cookbook” you will find all the necessary ingredients as well as several recipes for inviting third-country national artists to perform in Europe. As with all dishes, you can add spices, flavours, or other ingredients, depending on your taste and needs.

Last but not least, we would like to thank Pearle* and EFA members for sharing their practical experiences as well as the network of Mobility Info Points (MIPs) and On the Move for their insights.

Introduction

Artists, cultural professionals, and live performance organisations often work across borders, especially in Europe. However, travelling and working in the European Union (EU) can be complicated for individuals coming from outside Europe. Each country may have its own rules for Third-Country Nationals (TCN), which can make things even more confusing.

This guide highlights the key challenges related to employment and immigration for Third-Country National artists in the EU. While the EU has some shared rules, there are no specific laws tailored to artists. In the first instance, and in line with the approach of this series of cookbooks, the focus of this publication is on the European rules related to third-country nationals working (temporarily) in the EU.

At the same time, as will be highlighted, each Member State has its own regulations, which can vary from country to country. Therefore, one of the main difficulties for artists, particularly those on tour or performing in multiple countries, is the lack of consistency in these regulations.

This can create obstacles for artists who need to work in several locations during a single trip. Additionally, the permitted length of stay may not always align with the needs of longer tours or residencies. However, some countries do have special provisions for artists, such as exemptions from work permits for short stays.

For Example

A theatre troupe from Argentina might be invited to perform at festivals in France, Germany, and Spain. While France may allow them to work without a labour permit for a short stay, Germany might require additional paperwork, and Spain could have a different set of rules altogether. This makes planning and performing across borders challenging, especially when moving between countries within a single trip.

This publication addresses these issues and provides an overview of what to consider when working in the EU.

It is always advisable to verify the rules with the local organiser or employer in the country where the performance or residency will take place, including the potential exemptions for (very) short stays.

To begin, let's cover
the essential
entry rules and rights
within
the Schengen Area.

Navigating the Schengen Area: Entry rights for Third Country Nationals

When planning to work or perform in the EU, understanding the rules of the **Schengen Area** is the essential first step for **TCNs**, especially for artists and cultural professionals. Navigating the Schengen entry rules is crucial to ensure seamless access and compliance from the outset.



What is the Schengen Area?

The **Schengen Area** is a zone comprising **29 European countries** that have agreed to abolish passport control at their mutual borders. This allows free movement of people within the area as if it were a single country.

As of 2024, the Schengen Area includes:

- All EU countries except Ireland and Cyprus;
- Non-EU members like Norway, Switzerland, Iceland, and Liechtenstein.



What are the visa requirements for TCNs?

TCNs planning to enter the Schengen Area fall into two categories:

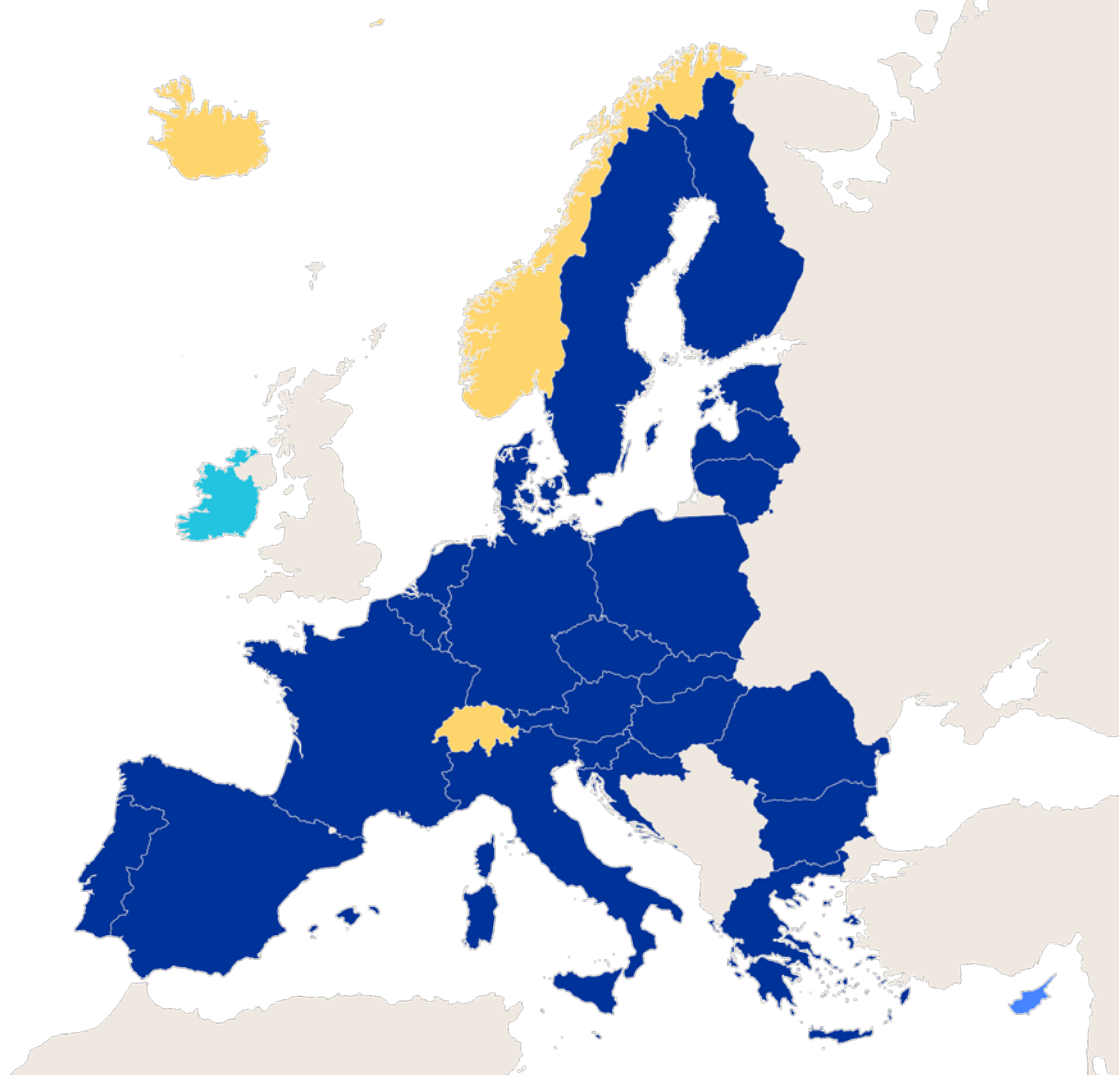
- **Visa-required nationals:** must obtain a Schengen Visa for short stays of up to 90 days.
- **Visa-exempt nationals¹:** can enter the Schengen Area without a visa for short stays but may still need to apply for travel authorisation through the new ETIAS system (see below).



Note

Member States may require a visa for visa-exempt travellers carrying out a paid activity during their stay.

1. Annex II of the Regulation (Eu) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.



The Schengen Area Map

- EU member state **fully** applying the Schengen rules.
- EU member state **not fully** applying the Schengen rules.
- EU member state **in the process** of fully applying the Schengen rules.
- Non-EU member state **fully applying** the Schengen rules exempt from that requirement.



Upcoming changes - New Travel Systems: EES and ETIAS

Expected in 2025, two new systems will be introduced for those travelling to the **Schengen Area**:

- **ETIAS (European Travel Information and Authorisation System)**: This system will only be required for **visa-exempt third-country nationals**. It screens travellers before they enter the Schengen Area.
- **EES (Entry/Exit System)** is an electronic system that tracks entries and exits from the Schengen Area, improving border security and enforcing the **90-day rule**.



In a nutshell:

This overview helps you understand the new travel systems

EES

- ✓ For ALL third-country nationals
- ✓ Tracks the entries and exits
- ✓ Border control system
- ✓ Record of stays enforcing the 90/180-day rule

ETIAS

- ✓ For visa-exempt third-country nationals
- ✓ Travel authorisation
- ✓ Online authorisation before entering the Schengen Area
- ✓ Valid for up to two years



Understanding the 90-Day Rule in a 180-day period

- **Less than 90 days:**

TCNs can stay in the Schengen Area for **up to 90 days** within a 180-day period. However, this permitted stay does not allow TCNs to work in these countries. In most cases, a **work permit is also required, unless there are specific exemptions for artists and performers**.

- **More than 90 days:**

For stays longer than 90 days, **TCNs need to apply for a national visa** from the country where they will reside. While this visa allows them to stay in the issuing country and travel within the Schengen Area for up to 90 days, **it does not permit working in other Schengen countries without specific authorisations or permits**.

Schengen Calculator:

An assistance tool that allows the calculation of the Schengen allowance in any given period. It can be found at [the following link](#).

- This tool does not grant a right of stay resulting from its calculation.
- Once the EES is in place the traveller will be able to track and monitor their allowance through the EES online tool which will be available at [the following link](#).

Let's dive
into the interplay
between EU
and national competence
**in employment
and immigration**

Navigating the complex landscape of EU regulations

Understanding EU Competence

In this chapter we explain what powers the EU has when it comes to third-country nationals coming to work for a temporary period. It provides basic insight for understanding the difficulties artists and cultural professionals coming from outside the EU are facing, whether they are employed or self-employed.

Employment and Immigration



Who Holds the Legislative Power in the EU?

In the European Union, there is a complex web of who is holding which level of power to make legislation. This means that legislative competencies are divided between the EU institutions and Member States. Concretely there are three types of competence:

- **Exclusive Competence:** Only the EU can legislate in these areas.
- **Shared Competence:** Both the EU and Member States legislate. Member States act when the EU does not.
- **Supporting Competence:** The EU can support, coordinate, or complement national actions but cannot enforce laws.



Why do we speak of immigration and employment?

In the cultural sector, a large proportion of third-country national artists and cultural professionals come to the EU for a temporary assignment. They may be invited by a festival or a production company for a specific project, or an artist residence scheme. This temporary nature of “immigration” combined with the status of their “employment” makes it difficult to fit under existing EU rules.



Who Regulates Immigration and Employment in the EU?

Immigration and employment are areas of shared competence between the Member States. This means that the EU sets common rules and harmonises Member States' conditions of entry and residence for certain categories of nationals from non-EU countries, whilst Member States retain flexibility.

When it comes to **immigration**, the EU establishes broad rules for border control, asylum, and the rights of TCNs. However, Member States determine how these rules are applied in practice.



Attention

While the EU provides general immigration guidelines, each Member State can regulate the number of TCNs they admit for work. A Member State may also focus on specific occupations, such as when they identify labour shortages in particular sectors or provide for exceptions in case of (very) short stays for categories including artists, sportspersons, and others. **Always check national regulations** before planning to work in a specific Member State.

In addition, as regards **employment** the EU promotes fair working conditions and worker rights across Member States. It also requests those to be applied to third-country nationals working across the EU. However, each country has a level of flexibility to adapt these policies to its labour market, whilst respecting shared EU rules.

What does this mean for cultural mobility?

Member States have a relative level of freedom to define rules on immigration and employment. From an internal market perspective further alignment of those policies, such as for the category of touring artists, would reduce administrative burdens and ease cross-border work opportunities, benefiting both EU nationals and TCNs.

Previous Legislative Attempts: Harmonisation Efforts for the Cultural Sector

1. The Touring Visa

Over the years, there has been a growing recognition of the need to harmonise visa regulations for artists and cultural professionals in the EU. Despite this, only one formal proposal—the **Touring Visa**—has directly addressed the unique challenges faced by touring artists.



What happened to the Touring Visa?

The Touring Visa was introduced by the EU in 2014² as a solution to the challenges faced by highly mobile cultural professionals, among other categories of third-country nationals. Touring artists frequently move between Member States and often require stays longer than the 90-day/180-day period allowed under the Schengen visa rules.



What was the Proposal about?

The proposal introduced a Touring Visa that would allow artists and their crews to stay in the Schengen Area for up to one year, with the possibility of extending the stay for an additional year. However, the visa still limits stays in any individual Member State to 90 days within a 180-day period. This would address a catch-22 situation for visa-exempt third-country national artists who cannot apply for a Schengen visa like visa-required third-country nationals, that corresponds with the duration of a tour.



Why Did the Proposal Fail?

Despite its focus on addressing a real need and having the support of the European Parliament, the Touring Visa proposal faced opposition from several Member States. Concerns were raised about potential immigration risks, the large scope (not just artists but also other categories of travellers such as backpackers), the impact on bilateral agreements and the impact of extended stays on national control. In the end, the proposal was withdrawn in 2018.



Attention

The touring visa only addressed the 90/180-day stay limitation. It did not automatically grant a work permit; in other words, standard work-related regulations would still apply.

2. Broader Legislative and other Initiatives

Beyond the Touring Visa, other broader EU immigration initiatives have indirectly impacted the cultural sector, though none specifically targeted artists. We'll explore these initiatives in greater detail later in the guide.

- **The Blue Card Directive:**

Designed to attract highly skilled workers to the EU. While it can be applied to professionals in the cultural sector it is not specific for artists and performers.

- **The Single Permit Directive:**

Aimed at simplifying the process for TCNs to live and work in the EU, this also can impact artists but was not created with the cultural sector in mind.

- **The EU Talent Pool:**

It concerns the setting up of an EU-wide online platform that will match profiles of jobseekers from outside the EU with job vacancies for shortage occupations of EU employers.

The EU Common Trade Policy

In contrast to the shared competence for immigration and employment, the EU has **exclusive competence** in common trade or commercial policy, including international trade agreements such as the **General Agreement on Trade in Services (GATS)**, which is part of the WTO (World Trade Organisation).



What Is the Role of the GATS in the Cultural Sector?

The GATS provides a framework that is important for **self-employed TCNs and service providers in the EU**, as it regulates how services are traded across borders. This is especially relevant for freelance self-employed artists or other cultural professionals, who often offer their services internationally.

However, for the cultural sector, the GATS does not impose binding requirements on the EU, meaning **each Member State retains its authority** to set rules specific to artists and cultural workers.

In other words, although the EU has an important role in negotiating trade agreements, when it comes to “services” and more specifically culture it is again up to the Member States to decide what rules will apply in this context of trade.

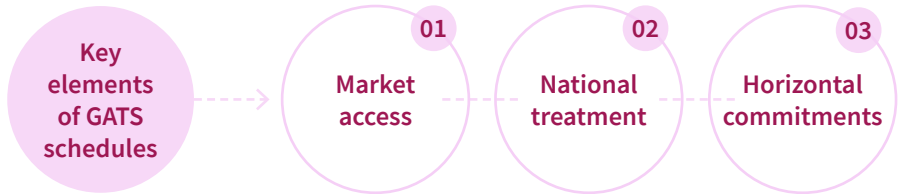
But even in such cases, other elements are worth further looking into, as we will further explain.



Understanding GATS Schedules

Each WTO member, including the EU, outlines its specific commitments to opening its services market in **GATS schedules**. These schedules also detail any limitations or exceptions a country applies.

Key elements of GATS schedules are:



01 Market Access

This defines how much access a country allows to foreign service providers — think of a music band, a ballet company, or an audio engineering company. Under the Most-Favoured-Nation Treatment principle, services and service suppliers from all WTO members must be treated equally, meaning no country can be favoured over another.

- However, a country can impose specific limitations, such as restricting the number of service providers or foreign ownership, but these limitations must be listed in its GATS schedule. If no such limitations are listed, full market access is granted to all WTO members.

02 National Treatment

This principle ensures that foreign service providers are treated as favourably as local providers.

- For instance, a TCN artist working in the EU should receive the same treatment as an EU artist, unless a specific limitation is listed in the schedule. If National Treatment is restricted, the schedule will specify where and how those limitations apply.

03 Horizontal commitments

Apply across all sectors listed in a GATS schedule, unless an exception is made for a particular sector.

- Instead of repeating the same rules for every service category (such as education, healthcare, or cultural services), horizontal commitments are used to cover general conditions that affect all service providers. These can include limitations on how foreign companies can operate or restrictions on the entry of foreign workers into the country.



Note

Some common horizontal commitments include **Residency Requirements**: a country might require that certain service providers, such as managers or directors of companies, must be residents in that country.

For Example

Austria requires that managing directors of certain branches or companies be residents of Austria.

Other horizontal commitments include **subsidies**: this means that some countries may limit access to subsidies to only their nationals, excluding TCNs.



GATS Schedules: What Do “None” and “Unbound” Mean?

In GATS schedules, two terms are used to indicate the level of commitment of a particular country:

- **None**: This means no restrictions or limitations—full commitment is made to allow market access or national treatment.
- **Unbound**: This means the country reserves the right to impose limitations, giving them flexibility to adjust their commitments.

What does this mean for cultural mobility?

There can be different country policies in relation to horizontal commitments, as described above, including for the cultural sector. Common limitations, such as residency requirements or restrictions on access to government subsidies can impact freelance artists and other cultural service providers from third countries.

Time to find out more
about the situation
for TCN **self-employed**
artists and cultural
professionals

Challenges for TCN artists and cultural professionals wishing to settle in the EU

Navigating EU migration laws as a third-country self-employed artist, performer or cultural professional who wishes to migrate (permanently or for a longer time) can be complex.

There is a lack of EU-wide rules for self-employed artists and cultural professionals.

Currently, self-employed professionals, including artists, performers, and other cultural professionals are largely left out by EU-wide regulations. There are no EU-level harmonised rules that directly regulate their work and residence rights if they want to settle in the EU and operate as self-employed.

As a result, self-employed TCNs must mainly rely on national rules.



What are the Key Points to take into account?

- **No Harmonised EU Rules:**

Unlike other workers (i.e. highly skilled employees, students, or seasonal workers), self-employed TCNs are not directly addressed by any EU migration directive.

- Some directives allow self-employment, but only as an additional right after meeting other conditions, such as qualifying for the Blue Card or long-term residency.

- **National Legislation:**

Each Member State sets its own rules for admitting and regulating self-employed TCNs. This means:

- There are no uniform entry rules for self-employed professionals like artists;
- Once in the EU, national laws determine their working conditions and rights.



Note

Self-employed TCNs must rely on **national permits** and cannot provide cross-border services across multiple Member States without facing additional legal hurdles.

And what about the mobility of self-employed artists in the Schengen Area?

Self-employed TCNs face strict mobility restrictions under the current legal framework:

- They cannot reside for extended periods outside the Member State that issued their permit.
- **Short-term travel** is limited to **90 days within any 180-day period** in other **Schengen countries**, without the right to work during these short stays.



Attention

Self-employed TCNs cannot provide cross-border services in multiple Member States under current EU law. There are no EU-level rules enabling self-employed TCNs to offer their services across borders.

Two main issues must be taken into consideration by self-employed artists coming to live in the EU.

1. Residence vs. Stay:

It can be difficult to determine whether an artist is "residing" or simply "staying" in a Member State, which impacts the work permit requirements and equal treatment obligations.

2. No Suitable Authorisation:

Without an EU-level permit, self-employed TCNs risk overstaying their visa limits. This lack of any specialised authorisation leaves highly mobile workers, like artists, in a legal grey area.



Comment

Whereas TCN artists and professionals may wish to settle in the EU as self-employed workers, it is more common for TCNs to come temporarily to the EU to undertake an assignment, a project, or provide a service. Think of a "freelance" musician who comes on a tour of three weeks to perform in several venues and EU countries.

Understanding
the EU rules
for employing TCN artists
and cultural professionals

Navigating EU Work Permits: Key Pathways for TCNs

As the EU continues to refine its immigration policies, several key legislative acts provide pathways for TCNs to live and work in the EU. While these initiatives are not specifically tailored to the cultural sector, they do offer important opportunities for artists, technicians, and other cultural professionals.

The **New Migration and Asylum Pact** was presented in September 2020 and entered into force on 11 June 2024. Applicable across the EU from mid-2026 onwards, it will serve as the overarching framework for revising several key immigration directives. Concretely it includes a revised **Single Permit Directive** and revised **Blue Card Directive**.

The new migration and asylum pact offers a comprehensive approach that aims at strengthening and integrating key EU policies on migration, asylum, border management and integration. As such the Pact offers a robust legal framework to attract and retain talent in the EU while supporting the integration of migrants into the labour market.

Single Permit Directive: One Permit for Work and Residence

The **Single Permit Directive (EU) 2024/1233** simplifies the application process for TCNs by combining both residence and work permits into a single document.

Originally adopted in 2011 and recently revised in 2024, the Directive is designed to make it easier for TCNs to live and work in an EU Member State.

For Example

- A singer from Argentina is invited by an Opera House in Czechia for a few consecutive productions over a period of 6 months. The respective Opera House will need to apply with the respective ministry of interior affairs/ employment for a “Single Permit” for the Argentine singer.
- A circus company based outside the EU plans a tour of five months in Germany. The foreign employer can apply for a single permit for each of the circus artists who will stay for the duration of the German tour.



Note

The Single Permit Directive does not apply to Ireland or Denmark, and they may require separate permits for work and residence.

The new revised rules will be applicable in all Member States by 22 May 2026 and will lead to the following improvements:

- **Simplified process and shorter timelines:** Applications must be processed within three months, with possible extensions for complex cases.
- **Flexibility for workers:** TCNs with a Single Permit can change employers without losing residence status, though they may need to notify authorities or undergo labour market checks.
- **Unemployment protection:** Permit holders can remain in the EU for up to three months if unemployed, or up to six months if they've held the permit for more than two years.



Who Can Apply for the Single Permit?

TCNs can apply for the Single Permit if they:

- Seek to live and work in an EU Member State for employment purposes.
- Have been admitted to the EU for other reasons (e.g. study) and are permitted to work under their current residence permit.

For Example

A Brazilian dancer is studying at Codarts in Rotterdam and is invited by a Dutch dance company to work there for the next artistic season. The dancer can obtain a single permit whilst finishing their studies and immediately start working with the dance company without having to go back to Brazil.

- Hold a valid residence permit and wish to add work rights under the Single Permit.



Note

In practice, it will be the employer who will apply for the work permit as it is linked to a labour contract that is the basis for applying for the work permit and related residence permit.



How does it work at a National Level?

Though based on an EU directive, the Single Permit is issued by individual Member States as a national permit.

Each Member State follows the Directive's guidelines but may have different names or processes. Some countries may refer to it as a "residence and work permit".

Types of Single Permits

Member States can issue different types of Single Permits for categories like:

- Regular employment,
- Seasonal workers,
- Researchers,
- Highly skilled professionals (this may overlap with the EU Blue Card).

While these categories are regulated by the Single Permit Directive, specific eligibility requirements may vary depending on the type of work.



Note

Some countries may impose additional requirements, such as salary thresholds or labour market checks, depending on national needs.



Advice

It is strongly advised to check those national requirements as they may have an important impact on the decision whether a third-country national artist (or cultural professional) can come to work with a cultural organisation in one or the other country.



How long Is the Single Permit valid?

The **Single Permit** is typically valid for the length of the employment contract, with the possibility of extensions. However, the specific validity period may vary depending on the Member State and the applicant's circumstances.

And what about the mobility of self-employed Artists in the Schengen Area?

What the Single Permit Allows:

Holders of a Single Permit can travel freely within the Schengen Area for up to 90 days within a 180-day period.



Important

The Single Permit does not automatically grant the right to work in other EU Member States. However, some activities may be permitted during short stays, depending on national regulations. One limitation for working in another country is that an employee must be enrolled in the social security system of their country of residence for at least one month before an employer can post them abroad. In any case, it is crucial to check local rules to ensure compliance.



Note

Each EU Member State has the authority to set limits on the number of TCNs they admit for work. Even if all eligibility requirements are met, countries can still cap the number of permits issued.



To summarise:

The Single Permit offers a national solution for Cultural Professionals

The Single Permit can be used for the employment of third-country national cultural professionals, including artists, performers, and technicians, depending on the specific rules of each EU Member State, especially for stays of several months. While it is not tailored exclusively to the cultural sector, it offers an adaptable framework that can take various forms across different countries.

Some Member States may even issue specific Single Permits for the cultural sector, with criteria designed for artists or creative professionals.

Regardless of the national configuration, the Single Permit always grants the essential right to live and work in the country where it's issued.

A special focus on the Vander Elst case: An exemption for third-country nationals already working within the EU

While not a formal permit or the result of an EU directive, the Vander Elst exemption is a crucial legal mechanism that facilitates the temporary posting of non-EU workers within the EU, streamlining cross-border services without the need for additional work permits.

The Vander Elst Exemption is a legal precedent established by a 1994 European Court of Justice (ECJ) ruling (Case C-43/93).

This exemption allows **companies to temporarily send their non-EU employees from one EU Member State to another without needing a new work permit, provided the workers are already legally employed and residing in an EU country.**

It is primarily used for temporary assignments where third-country nationals are required to provide services in another EU Member State.

! Attention

This exemption applies to temporary service provision only and is subject to Schengen limitations, typically restricting stays to 90 days within a 180-day period in the second MS.

The ruling significantly impacted the rights of service providers within the EU and facilitated the cross-border provision of services, enhancing operational flexibility for EU-based companies needing to utilise non-EU employees temporarily in other Member States.

The Vander Elst ruling primarily applies across all EU Member States and EEA countries, but its application can vary depending on national law.

? What are the key points of this ruling?

- The work must be temporary, and the worker must stay employed by the company in the original EU country.
- The worker must follow labour laws in the host country, including wages and safety rules.
- The worker remains under the social security system of the original country.
- Some countries may require advance notification or registration.

! Comment: Vander Elst in the cultural sector

The Vander Elst exemption can apply to the cultural sector, provided the previously-mentioned general conditions are met. For example, a performer or technician legally employed in France can be posted to Spain for a short-term project.

This exemption is especially useful in the cultural sector, where cross-border services like performances and events are common.

EU Blue Card:

A Pathway for Skilled Employment and Residence

The EU Directive on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, in short, the EU Blue Card Directive (EU) 2021/1883 is a **work and residence permit** for highly qualified TCNs wishing to live and work in the EU for at least six months.

For Example

An American violinist holding a master's degree from the Juilliard School in NY and having built a career with several orchestras around the world is now invited by a renowned orchestra in France to become concertmaster for the next two years. The orchestra may consider applying for a blue card for the American musician.

First introduced in 2009 and revised in 2021, the Blue card Directive aims to attract skilled workers for sectors facing talent shortages and facilitate mobility across Member States.



Who Can Apply for the EU Blue Card?

TCNs who:

- Hold a valid work contract or job offer for highly qualified employment;
- Have higher education qualifications or relevant work experience;
- Earn a salary between 1.0 and 1.6 times the average gross salary in the Member State.



Note

In practice, it will be the employer who will apply for the Blue Card as it is linked to a labour contract that is the basis for applying for the work permit and related residence permit.



Attention

The eligibility criteria can vary slightly depending on the country, although the overarching framework remains the same. **Improvements made with the revision in 2021 are:**

- **Lower Salary Thresholds:** Reduced for professions in high demand and recent graduates, subject to national regulations.
- **Fast-Track Procedures:** Recognised sponsors can benefit from faster processing times, depending on the country.
- **Flexibility:** Easier for Blue Card holders to change employers without losing their Blue Card status.



How long Is the EU Blue Card valid?

The Blue Card is valid for at least two years, or for the length of the employment contract (with an additional three months if the contract is shorter than two years). In any case, the employment contract should be at least six months. It can be renewed under similar terms based on the duration of employment.

And what about mobility within the Schengen area?

Short-Term Mobility

Blue Card holders can travel within the Schengen Area for up to 90 days within a 180-day period. During these stays, they can attend business meetings, and conferences, or carry out temporary tasks related to their job. However, they are not allowed to take up new employment in destination countries during short-term stays.

Long-Term Mobility

After 12 months in the first Member State, Blue Card holders can move to another EU country to live and work. To do so, they must:

- Have a valid job offer or work contract in the new country;
- Apply for a local Blue Card within one month of arrival. They are allowed to start working while their application is being processed.



Attention

High Salary Requirement: The salary threshold may be higher than national work permits, making it less accessible for some professions.



Note

The Blue Card scheme does not apply in Denmark and Ireland, as these countries have opted out.



Can a self-employed worker obtain an EU Blue Card?

The **EU Blue Card Directive** focuses on highly skilled workers with an **employment contract or job offer** from an EU-based employer. This means that self-employment **alone** does not qualify as a basis for obtaining the Blue Card. While the Blue Card requires an employer-employee relationship, Blue Card holders can engage in entrepreneurial or self-employed activities on the side, as long as their primary role remains the one linked to their Blue Card status.



To summarise:

The EU Blue Card can apply to Artists and Cultural Professionals

While not specifically designed for the cultural sector, the EU Blue Card can be used by TCNs working in the sector provided they meet the national eligibility requirements.



Remember

The **EU Blue Card** is essentially a **specific type of Single Permit**, but with its own framework that applies across most EU Member States.

- The **EU Blue Card** is a **specialised Single Permit** designed for highly skilled workers, and it follows a more uniform structure across most EU countries. While each country applies national rules (e.g., salary thresholds or specific procedures), the Blue Card is based on an overarching EU framework, ensuring a level of consistency across the participating countries.
- **Other Single Permits** exist at national level and vary widely in name, structure, and eligibility depending on each country's laws. These permits also combine residence and work rights, but they are more flexible in terms of the types of jobs or professions they cover.

In both cases, they offer residence and work rights to TCNs, but the **EU Blue Card** has more **standardised criteria** across countries, while **national Single Permits** have more variability in their requirements and application.

EU ICT Directive Facilitating Intra-Corporate Transfers

The EU Intra-Corporate Transfer (ICT) (2014/66/EU) is designed to facilitate the transfer of TCNs from a company outside the EU to a company within the same group in the EU for temporary employment or training.

For Example

- A global entertainment group from the USA which also has subsidiaries in the Netherlands and Spain can transfer specialised artists from the USA-based company to either of the two countries in the EU where it has another base.
- A stage lighting company based in the UK with companies based in several countries in the EU can transfer lighting technicians and lighting engineers to work with those companies for a period of time.

The Directive applies to managers, specialists, and trainee employees, allowing companies to efficiently transfer staff between different offices or entities within the same corporate group.



Note

Denmark and Ireland have opted out of the EU ICT Directive



Who Can Apply for the EU ICT Permit?

TCNs who:

- Are employed by a company established outside the EU and are being transferred to an entity of the same company group within the EU;
- Have been working for at least 3-12 months for the company (depending on their role);
- Hold professional qualifications or experience required for the role they will perform in the EU.



Note

The individual remains employed by the sending entity outside the EU.



Do EU ICT Rules Change in Member States?

Yes, while the overall framework of the Directive is consistent across the EU, some specifics, such as **additional national requirements or conditions** may vary slightly between Member States.



How long Is the EU ICT Permit Valid?

- **Managers and specialists:** up to 3 years.
- **Trainee employees:** up to 1 year.

And what about mobility within the Schengen Area?

The **EU ICT** permit grants TCNs special mobility rights beyond the general Schengen mobility rules. Under Schengen rules, TCNs can travel for up to **90 days within a 180-day period** across the Schengen Area.

However, with an **EU ICT permit**, TCNs gain additional **ICT mobility rights**, allowing them to work in other **EU Member States** without needing to apply for new permits in each country.

Concretely, it means that ICT Mobility encompasses the following conditions:

- The employee must be **transferred** to a second entity of the same company group located in the second Member State.
- The stay in the second Member State can last up to **90 days in any 180-day period** (short-term mobility) or longer, depending on the national rules for long-term mobility.
- ICT mobility requires a **notification** to the authorities of the second Member State before the transfer takes place. While no new work permit is needed, the authorities must be informed to ensure compliance with national procedures and regulations.



To summarise:

EU ICT Directive and the cultural sector are not an easy match

Using the EU ICT Directive in the cultural sector is difficult due to the permit's specific requirements. The transfer must be between two companies that are part of the same corporate group, which limits its applicability for most cultural professionals like artists or performers, who typically don't work within large corporate structures.

However, it may be feasible for technical professionals such as lighting technicians or sound engineers. If they are employed by a large international manufacturing or production company with entities both outside and inside the EU, they could be transferred to work on a project or event under the ICT permit. Still, the requirement that both companies belong to the same corporate group makes this a rare option in the cultural sector.

Other EU Directives for TCN: Seasonal Work, Students and Researchers, and the EU Talent Pool

1. Seasonal Work Directive Temporary Work for TCNs

The **Seasonal Work Directive (2014/36/EU)** applies to **TCNs** who come to the EU for seasonal employment, primarily in sectors like agriculture, horticulture, and tourism.

While not specifically designed for the cultural sector, it can be relevant for festival workers or staff involved in temporary cultural events.

Each Member State can determine which sectors are considered seasonal, so the Directive could be used for festivals and similar events if they are classified as seasonal work.

There are no particular cases known for the moment where Member States have made use of this option.



Note

The Directive applies to all EU Member States except Denmark and Ireland.



Attention

Each EU Member State can set its own specific admission criteria for seasonal workers, such as requiring a valid job offer, proof of accommodation, or other national requirements.

Member States have the right to limit the number of seasonal workers they admit by setting quotas based on their labour market needs.



How Long Is the Seasonal Work Permit Valid?

Typically the permit is valid for a maximum of 5 to 9 months in any 12-month period.

Renewal: Seasonal workers can extend their stay once with the same or a different employer within the maximum allowed period of validity of the permit. Member States may allow additional extensions with either the same or different employers, provided the total stay does not exceed this limit.

And what about mobility within the Schengen Area?

Seasonal workers are allowed to travel within the Schengen Area for up to 90 days within any 180-day period.

2. Directive on the Entry and Residence for Students and Researchers

The **Students and Research Directive (2016/801/EU)** applies to TCNs entering the EU for the purposes of study, research, training, voluntary service, and other educational projects.



Note

Denmark and Ireland opted out of the directive.

This Directive can apply to the cultural sector if the activities are part of formal study or research projects.

For Example

- A South African master's student in theatre history plans to undertake a piece of research on the history of theatre in colonial times at a European university.
- A dancer who graduated in Chile comes to the Academia Teatro alla Scala in Milan to undertake a training in cultural management.



How Long Is the Permit Valid?

- **Students:** Permits are generally issued for **at least one year** or for the full duration of the study program, whichever is shorter. For students in EU or multilateral mobility programs, permits are issued for **at least two years** or the duration of the studies, whichever is shorter. Member States may limit the total residence time to the maximum duration of studies as defined by national law.
- **Researchers:** Permits are typically issued for **at least one year** or for the duration of the hosting agreement if shorter. For researchers in EU or multilateral mobility programs, permits are issued for **at least two years** or for the hosting agreement's duration if shorter.
- **School Pupils:** Permits are issued for the duration of the **exchange scheme or educational project**, up to a maximum of **one year**.
- **Trainees:** Permits are issued for the duration of the **training agreement**, up to a maximum of six months. For agreements longer than **six months**, permit validity may be extended per national law.
- **Volunteers:** Permits are issued for the duration of the **volunteer agreement**, up to a maximum of one year. If the agreement exceeds **one year**, the permit may cover the entire period in line with national law.

And what about mobility within the Schengen Area?

Students can move to a second Member State to study **if they are part of an EU or multilateral program or an agreement between universities**. Mobility is allowed for **up to 360 days per Member State**.

Researchers can conduct a part of their research in a second Member State without needing a new permit.

Two mobility types:

- **Short-term mobility:** Up to 180 days within a 360-day period per Member State.
- **Long-term mobility:** Stays longer than 180 days, which may require a new residence permit depending on the second Member State's rules.

3. EU Talent Pool

In November 2023, the European Commission published its proposal for a regulation establishing an EU Talent Pool, as part of the skills and talent mobility package of the EU which aims to attract more talent from outside the EU and to facilitate mobility within.

The Talent Pool will be set up as an EU-wide online platform that will match profiles of jobseekers from outside the EU with job vacancies for shortage occupations of EU employers. It aims to facilitate the recruitment of talent from third countries who live outside the EU, to make the EU labour market more competitive and to tackle shortages in the European labour market.



Note

The proposal is currently being finalised, and negotiations will be held between the Council and the European Parliament to reach an agreement on the final legislation.



How will it work?

Jobseekers from third countries will be able to register their profiles on the Talent Pool platform and provide information about their skills, qualifications, work experience and language knowledge. The platform will also contain job vacancies from employers in the EU (in participating Member States).

A pilot has been developed for job seekers from Ukraine. It gives an idea of how the Talent Pool platform will operate in future.

See https://eures.europa.eu/eu-talent-pool-pilot_en



Comment

It is important to underline that this initiative has nothing to do with artistic or creative talents unless it fits within the goal of matching specific labour market needs.



In a nutshell:

The table below presents an overview of the key points of the EU Directives discussed above.

Directives	Scope	Validity of the permit	Eligibility to work outside host Member State	90/180-day mobility in Schengen Area
EU Blue Card Directive (EU) 2021/1883	For highly qualified professionals seeking work and residence in a Member State	At least 2 years or for the duration of the employment contract, with an additional 3 months if the contract is shorter than 2 years.	✓ YES	✓ YES
EU Intra-Corporate Transfer (ICT) (2014/66/EU)	For skilled employees transferred within the same company from a non-EU country	Managers and Specialists: 3 years Trainees: 1 year	✓ YES	✓ YES
Seasonal Work Directive (2014/36/EU)	For third-country nationals working in temporary, seasonal roles	Maximum period of 5 to 9 months within any 12-month period	□ NO	✓ YES
Single Permit Directive (EU) 2024/1233	For third-country nationals who wish to work and reside in a Member State with a single application process	Typically valid for the duration of the employment contract	□ NO	✓ YES
Students and Research Directive (2016/801/EU)	For third-country nationals engaging in studies, research, or voluntary services, including educational and exchange programs	Students: 1 year or program duration; 2 years for EU/multilateral programs Researchers: 1 year or hosting agreement; 2 years for EU/multilateral programs School Pupils: Duration of exchange/project, up to 1 year Trainees: Training agreement duration, up to 6 months Volunteers: Volunteer agreement duration, up to 1 year	✓ YES (for studies or research)	✓ YES

**From EU rules
to understanding
national rules**

General Overview of National Rules for Artists

Below, you find a table with information on whether EU countries offer special national provisions for cultural professionals, such as artists or performers. These provisions can vary significantly and may include work permit exemptions or specialised visas for cultural work.



Disclaimer

The information provided in this table is for guidance purposes only and may not cover every detail or change in national regulations. While this research is valid at the time of writing, it is essential that cultural professionals, such as artists or performers, verify specific details, updates, and requirements with the relevant national authorities before making decisions or travel arrangements.



Advice

Be sure to check official government websites for the most current and comprehensive information regarding visas, work permits, and exemptions specific to the cultural sector.

General Overview of National Rules for Artists

Country	Stays up to 90 Days	Additional Remarks
Austria	Work permit exemption for employed or self-employed artists for stays of: • one day, or • up to 8 weeks within an overall artistic production to ensure the realisation of a concert, event, performance, film production, or live broadcast. Note: Employment between one to 8 weeks must be notified by the event organiser or producer to the regional office of the public employment service (AMS) before or at the latest on the day of work commencement.	For stays exceeding the specified days or for individuals not covered by the exemption a Visa C or Visa D may be issued for temporary employment not exceeding 6 months in a 12-month period after this period a residence permit will be required. For stays over 6 months a Residence Permit - Artists can be granted for one year, with options for extension.
Belgium	Work permit exemption for stays of: • up to 90 days within 180-day period in Flandres, and up to 90 days per year in the Brussels region, for self-employed artists and their self-employed support personnel; • up to 90 days within 180-day period in Wallonie, for artists having concluded an artistic service agreement with an operator subsidized by the French Community. • up to 21 days per quarter for 'artists of international renown' and support personnel (also exempt from Limosa) – in Brussels and Flandres.	Self-employed: a Professional Card will be required for stays over 90 days. Employed: a work permit is required for stays over 21 days for renowned artists; for other artists, a permit is required regardless of the duration. Note: There are no specific permits for the cultural sector.
Bulgaria	Employed individuals posted to Bulgaria should register with the Employment Agency for short-term employment if their stay is of up to 90 days within a 12-month period. Note: There are no specific work permit exemptions for the cultural sector.	For stays exceeding 90 days a work permit is required. Note: There are no specific permit schemes for the cultural sector.

Country	Stays up to 90 Days	Additional Remarks
Croatia	Based on a certificate of work registration, TCNs may work for: • up to 90 days in a calendar year (for artists and technical staff for opera, ballet, theatre, concert, art and other cultural events, i.e. authors and performers in the field of film and television art); • up to 30 days in a calendar year (for workers in circuses or amusement parks, as well as authors and performers in the field of music, music-performing and dance arts, and their accompanying reporting, organisational and technical staff). Note: The certificate must be obtained from the Police Administration or Police Station before the commencement of work.	For stays exceeding 90 days a work permit is required. Note: There are no specific permit schemes for the cultural sector.
Cyprus	No specific work permit exemptions or tailored permit schemes exist for the cultural sector; a general permit is required for any work activities in the country.	
Czech Republic	Work permit exemption for performing artists for stays of: • 7 consecutive days, or • 30 days in a calendar year.	For stays exceeding the specified days a long-term visa for cultural purposes is available for third-country nationals involved in activities such as artistic performances, film crews, or cultural projects - the maximum validity is one year, afterwards, individuals need to apply for a long-term residence permit. Note: Cultural-purpose visas are rarely granted due to strict conditions. The applicant cannot receive a salary for the activity during their stay. Most artists apply for regular work visas to accommodate paid employment during cultural activities.
Denmark	Work permit exemption for performing artists, musicians, and supporting staff for up to 14 days.	For stays exceeding the specified days, a special individual qualifications permit is available for performers, including singers, musicians, and conductors. The permit is typically granted for the length of the work contract, with options for extension.

Country	Stays up to 90 Days	Additional Remarks
Estonia	Work permit exemption for temporary work, for stays not exceeding 5 days within a 30-day period. Note: Individuals must register with the Estonian Police and Border Guard Board to ensure legal stay	For stays exceeding the specified days and up to one year a long-stay visa is necessary. For longer stays individuals need to apply for a long-term residence permit. Note: There are no specific permit schemes for the cultural sector.
Finland	Work permit exemption for individuals that arrive in the country based on an invitation or agreement to work as professional artists or as employees assisting, supporting or training such artists, for stays of up to 90 days.	For stays exceeding the specified days, a residence permit for work in the field of culture or arts can be granted. The first permit is usually granted for one year unless specifically applied for a shorter period of validity. Continuous residence permits can be extended for a maximum of three years at a time.
France	Work permit exemption for employed individuals taking part in cultural and artistic events, for stays of up to 90 days.	For stays exceeding the specified days an "artist talent passport" residence permit/ visa can be granted for a maximum period of 4 years.
Germany	Work permit exemption for artistic activities, for stays of: • up to 90 days within a 12-month period for individuals participating in festivals, music, and cultural events, or for guest performances and foreign film and television productions, as well as persons, including their support staff, who, engage in lectures or performances of special scientific or artistic value, or • one-day performances, for up to 15 days per year.	For stays exceeding the specified duration or for individuals employed in Germany, a work permit for employment in Culture and Entertainment is required. This permit allows for extended stays for employment in the performing arts sector, as well as longer stays for guest performances and TV/film productions.
Greece	Work permit exemption for UK nationals who are intellectual creators, as well as accompanying artists and members of audiovisual productions, for a single performance, concert, or TV show appearance. For longer stays a short-term Schengen visa is required for creative workers for stays of up to 90 days.	For stays exceeding the specified days and/or other TCN a permit for intellectual creators is granted for stays of up to 3 years.
Hungary	Work permit exemption for individuals performing educational, scientific or artistic activities for up to 10 working days per calendar year.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.

Country	Stays up to 90 Days	Additional Remarks
Ireland	Under the Common Travel Area (CTA), UK nationals can live and work freely in Ireland; and travel freely between the UK and Ireland. Other TCNs need to apply for a Performance or Tournament visa, which is valid for up to 90 days. This visa allows foreign nationals to come to Ireland to stage a performance, such as a theatre production or music event, for up to 90 days. It also permits them to be paid for performing or participating in an event, provided the event lasts 14 days or less (e.g., a concert).	Under the Common Travel Area (CTA), UK nationals can live and work freely in Ireland; and travel freely between the UK and Ireland. For stays exceeding the specified days, a work permit is required Note: There are no specific work permit schemes for artists.
Italy	No specific work permit exemptions exist for the cultural sector; a permit for artistic work is required for any work activities in the country.	A special work permit (<i>visto d'ingresso per lavoro artistico</i>) is required for stays up to one year. For longer stays individuals need to apply for a long-term residence permit.
Latvia	Work permit exemption for creative and performing artists, as well as administrative or technical staff supporting performances, for stays of up to 14 days.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.
Lithuania	No specific work permit exemptions or tailored permit schemes exist for the cultural sector; a general permit is required for any work activities in the country.	
Luxembourg	Work permit exemption for staff from fairground attractions, circuses, and other travelling establishments, as well as workers in the entertainment industry without regular employment, for stays of up to 90 days per calendar year.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.
Malta	No specific work permit exemptions or tailored permit schemes exist for artists; a general work permit is required for any work activities in the country.	

Country	Stays up to 90 Days	Additional Remarks
Netherlands	Work permit exemption for artists, musicians, structural companions of an artist or musician, or visual artists, for up to 6 consecutive weeks within a 13-week period.	For stays exceeding the specified days, a short-term work permit (TWV) is available for certain third-country national artists with key artistic roles within the performing arts - the maximum validity is 3 months. After this period a residence permit will be required. Employed: A single permit (GVVA, combined residence and work permit). Can be granted for 3 years, with options for extension. Self-employed: A residence permit for self-employed individuals. Can be granted for 2 years, with options for extension.
Poland	Work permit exemption for individuals performing artistic services, solo or in troupes, for stays of up to 30 days in any calendar year.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.
Portugal	A temporary stay visa is required for individuals performing artistic activities aimed at public performances, or for those working with entities producing or organising such shows, for stays of up to one year.	For stays exceeding the specified days a residence permit is required. Note: There are no specific permit schemes for the cultural sector. For short-stay visas for cultural activities (which have been equated by law with highly qualified activities) the process is simpler, with no need for the applicant to be in person at the Consulate, and is expected to be quicker
Romania	UK nationals who are representatives of creative industries are exempt from the Romanian short-stay visa requirement, if they travel to Romania to take part, as interpreters/performers in exhibitions, festivals and any other cultural / artistic activities / events, for stays of up to 90 days.	For the remaining TCN and/or employed individuals in Romania by a Romanian employer need to apply for a long-stay visa for employment, even if the employment contract is below 90 days throughout any 180 days. Note: There are no specific permit schemes for the cultural sector.
Slovakia	Work permit exemption for performers participating in an art event, for stays of up to 30 days per calendar year. Note: Individuals must notify the Foreign Police within 3 days of arrival.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.

Country	Stays up to 90 Days	Additional Remarks
Slovenia	Work permit exemption for creators and performers in music and performing arts, as well as organisational and technical staff, for stays of up to 90 days.	For stays exceeding the specified days a work permit is required. Note: There are no specific permit schemes for the cultural sector.
Spain	Work permit exemption for performance artists and technicians in audiovisual media (film, TV, theatre, music) for stays of up to 90 days.	For stays between 91 and 180 days a working visa for professionals in the audiovisual sector can be granted. For longer stays individuals need to apply for a long-term residence permit.
Sweden	Work permit exemption for stays of: • up to one month, for people who have a temporary gig for a radio or television broadcast by Sveriges Radio AB, Sveriges Television AB, Sveriges Utbildningsradio AB or Nordisk Television AB (TV4-gruppen/TV4 AB), or • for up to 14 days over a period of 12 months, for performers, technicians and other tour staff, provided that the performer has been invited by an established organiser.	For stays exceeding the specified days or for individuals not covered by the exemption a work permit for performers (including people who are accompanying the performers as a technician or similar role) can be granted for a maximum of 2 years at a time and for a total of years.

A special focus
on the **UK, Ukraine**
and some considerations

EU-UK Trade and Cooperation Agreement (TCA): Key Considerations for Artists and Performers

Post-Brexit, the EU-UK Trade and Cooperation Agreement (TCA) has reshaped how TCN artists, performers, and cultural professionals navigate work across the UK-EU borders. While the TCA does address trade and cooperation, mobility for cultural professionals has become more complex.

In the TCA, there are no broad, specific provisions solely dedicated to the cultural sector, which is a key criticism from those in the arts industry.

This is what the TCA foresees for those working temporarily abroad:

- **Temporary Entry and Stay for Short-Term Business Visitors:** The TCA includes provisions for short-term business visitors, but cultural professionals often don't fall neatly under the categories listed. The interpretation and implementation vary between EU countries, and there are no unified cultural exceptions across the EU.
- **Country-Specific Exemptions:** While the TCA does not offer blanket coverage for the cultural sector, certain EU countries may choose to offer work permit exemptions or visa waivers for short-term cultural engagements like performances or exhibitions. These exemptions, however, are not a direct result of the TCA but rather national policies.
- **Non-discrimination and Equal Treatment:** The TCA does guarantee non-discrimination and equal treatment in some areas of service provision and temporary entry. Still, this isn't specific to culture and doesn't mitigate the need for work permits or multiple visas for touring.

Visa-exempt travel: the TCA provides for EU or UK visitors to travel and visit each other's countries without needing to apply for a visa. However, starting in 2025, travellers will need to obtain a travel authorisation - ETIAS for EU visitors and **ETA*** for those travelling to the UK.

To conclude, there are no substantial cultural-specific provisions in the TCA itself. Most cultural professionals must rely on national policies or ad hoc exemptions rather than the framework of the agreement.

**ETA - The UK's ETA (Electronic Travel Authorization) requirement will apply to visa-exempt EU nationals. Beginning in 2025, EU travellers such as artists will need an ETA to enter the UK, even for short stays, regardless of whether they are visiting for leisure or professional activities.*

Ireland as a Special Case

- **Common Travel Area (CTA):** The CTA between the UK and Ireland allows free movement of people and work without visas or permits, simplifying cross-border cultural work, particularly for Northern Ireland and the Republic of Ireland collaborations.

Temporary Protection Status (TPS) for Ukrainian Nationals: Key Considerations for Artists and Performers

In March 2022, the EU activated the **Temporary Protection Directive (2001/55/EC)** in response to the mass displacement caused by the conflict in Ukraine providing an emergency mechanism for Ukrainian nationals. This protection offers specific rights and opportunities for those fleeing the crisis, including artists and cultural professionals seeking to work in the EU.

Temporary Protection: An Overview

Temporary Protection is a collective measure that bypasses the need for individual asylum applications. It provides displaced persons with immediate protection and facilitates access to residency, work, and other essential services during a crisis.



What are the rights?

The people under this mechanism enjoy the following rights:

- residence,
- access to the labour market,
- access to housing,
- medical assistance,
- and access to education for children.



What is the duration?

The protection is valid for an initial period of one year. That period may be extended automatically by six monthly periods for a maximum of one year. The Commission may propose to the Council to extend the temporary protection up to one more year. It may also propose to end the temporary protection if the situation in Ukraine is such as to permit safe and durable return.



Who can fall under the regime?

It applies to the following categories of persons displaced from Ukraine on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date:

1. Ukrainian nationals residing in Ukraine before 24 February 2022;
2. Stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and
3. Family members of the persons referred above.
This can be the spouse, the minor unmarried children or other close relatives who lived together



What about the duration?

The TPS was initially valid for 1 year and automatically renewed twice every six months (until 4 March 2024). Following this, given the persistence of the situation that led to the TPS being activated in the first place, the EC decided to extend it **until 4 March 2026**.



What about employment?

Ukrainians can be employed for the maximum duration of the protection scheme. They can also work as self-employed. Member States may give priority to citizens from EU & EEA countries. The general law in force in the Member States applicable to remuneration, access to social security systems related to employed or self-employed activities and other conditions of employment apply.

They can also take part in vocational training and practical workplace experience, or other educational opportunities for adults.



What about mobility? Posting and Touring in the EU

Ukrainian nationals under Temporary Protection can work and be posted within the EU under the same conditions as other third-country nationals.

- **Posting Rules:** Employers can send Ukrainian nationals legally working in one Member State to another without requiring additional work or residence permits in the receiving Member State.
- **A1 Certificate Requirement:** Employers must ensure the worker has a portable document A1 from the social security office.

Considerations for Artists and Performers

While the Temporary Protection Directive provides immediate access to the EU labour market, including cultural work, the rules governing cross-border mobility for performances or exhibitions follow general EU laws. Artists and performers may face administrative requirements, particularly when touring across multiple Member States.

Important Considerations for TCN Artists: Social Security, PWN, and Taxation in the EU

For TCN artists working in the EU, there are several important aspects to be aware of to ensure legal compliance and smooth navigation through administrative procedures, besides immigration.

Key aspects such as social security, posted worker notifications (PWN), and taxation can impact work arrangements and financial outcomes.

Social Security: how does it work for cross-border workers?

When working in the EU as a third-country national, understanding what the social security obligations are is crucial. Social security contributions ensure access to essential services like healthcare, unemployment benefits, and pension rights.

- **Single Coverage Rule:** You are covered by only one country's social security system at a time, usually the country where you are primarily employed.
- **Posting Abroad:** If you are a third-country national coming to work in the EU, your social security coverage will depend on the agreements between your home country and the EU country where you are employed. In some cases, bilateral or multilateral agreements allow you to stay under your home country's social security system for a limited time. To confirm this, you may need to obtain an A1 certificate or similar documentation if such agreements are in place. If no such agreement exists, you will generally be required to join the social security system of the EU country where you work.
- **Employment Status:** Your contribution responsibilities will vary depending on whether you are self-employed or an employee. These distinctions can impact which country's social security system applies to you.

Posted Worker Notification (PWN): Does it Apply to TCNs?

The Posted Worker Notification (PWN) is a mechanism to ensure that employers comply with local labour laws when posting employees to work in an EU country.

- **PWN Requirements:** Employers may need to notify the authorities in the host EU country if they are posting a worker, regardless of the worker's nationality, including providing details such as wages, working hours, and other employment conditions. Whether the PWN applies to a TCN depends on the host country's specific regulations and the nature of the posting.



Attention

While the PWN requirements predominantly apply to workers from the EU/EEA, TCNs may also be subject to similar rules, especially if they are posted to an EU country by an EU-based company or if there are bilateral agreements governing such postings.

Taxation: Know Where You Owe

Understanding EU taxation rules can help avoid double taxation and unnecessary financial burdens:

- **VAT and Cultural Exemptions:** Depending on the type of work and country, certain cultural activities may be VAT-exempt or subject to reduced VAT rates. Verify the VAT obligations for each performance.
- **Taxation and the specific article 17 of the OECD Model Tax Convention:** The country may apply withholding tax on the income of the artists related to the performance. However, a few countries in the EU do not apply this rule. Some countries allow for deduction of expenses or tax credit or apply a threshold. It is advisable to check the double tax treaties between the country of origin and the country where the performance takes place.



For more in-depth details on these topics, check the “Cookbooks” on social security, VAT, and cross-border taxation for artists working in the EU.



Summary

Working as a third-country national in the EU is about navigating a fragmented system.

While the EU offers some harmonised rules, immigration policies remain largely in the hands of individual Member States. This leads to a patchwork of regulations, where eligibility for permits can vary greatly, and there is no specific solution tailored to the cultural sector's unique needs – particularly for touring artists.

The withdrawal of the Touring Visa proposal highlights the ongoing unpredictability, especially for freelance artists, who are at the mercy of national rules. Without an EU-wide framework, cultural professionals must constantly stay informed of individual country regulations, which vary in flexibility.

Some Member States offer specific permits or exemptions for short-term cultural work, but a consistent, streamlined approach across the EU is still lacking.

For non-EU artists, this means that working in Europe requires careful planning and regular checks on national laws to avoid any legal issues. Staying informed and adaptable is key to successfully navigating this complex landscape.

Key Takeaways

1. National Rules: Each Country Sets Its Own Policies

Each EU country has its own immigration and work permit rules, and there isn't a single EU-wide system for artists (or other professionals) from outside the EU. While the EU provides general guidelines, the specifics are left to individual Member States, and these national laws take priority over any EU recommendations.

2. The Touring Visa: A Missed Opportunity

A proposal to simplify travel in the EU for touring individuals, including artists for a longer period beyond the general 90/180 day rule failed. Without this visa, artists must calculate carefully and plan their travel, both for professional and leisure purposes, in line with the 90/180-day rule.

3. General Work Permits: Limited Fit for the Cultural Sector

While permits like the EU Blue Card, the Single Permit, and the EU ICT permit are not specifically designed for the cultural sector, they could potentially be leveraged by it in some cases. This is also the case for permits for seasonal work, as well as those for students or researchers.

However, these permits remain limited in scope and don't fully address the unique needs of artists and cultural professionals working across borders.

4. Freelancers Face Extra Challenges

Freelance artists and self-employed professionals encounter significant difficulties when working across borders because there is no EU-wide system designed specifically for their needs.

The lack of a harmonised framework makes it harder for freelancers to navigate different national regulations, often leaving them reliant on individual Member State rules, which can vary widely and create additional hurdles for cross-border work.

5. Work Permit Exemptions Vary by Country

In some EU countries, artists can perform short-term engagements without needing a work permit. However, these exemptions are not consistent across all Member States, meaning the rules can differ significantly depending on the country. Artists must check each destination's specific requirements, as what works in one country may not apply in another.

6. Schengen Zone Restrictions: Visa Stays vs. Work Permits

Visa-exempt nationals can stay in the Schengen Area for up to 90 days within a 180-day period without needing a visa. However, even within this time frame, work permits may still be required in individual countries.

For those who need a visa to enter, the same 90-day limit applies, but obtaining a visa does not automatically grant permission to work. Countries may request a visa for paid work, which makes it even more confusing for the respective TCN artist. Each country within the Schengen Zone may have its own rules regarding employment, making it essential to verify work permit requirements separately from visa regulations.

Tips and Tricks

By keeping these practical tips in mind, third-country nationals and artistic touring companies can better manage the legal, logistical, and administrative aspects of working in the EU's diverse regulatory environment.

1. Stay Informed

National immigration and employment rules frequently change. Always check the most up-to-date requirements with local authorities before planning travel or work in the EU.

2. Work with Local Organisers

Collaborating closely with local partners or employers can help ensure compliance with national regulations and avoid unnecessary legal issues.

3. Plan Around the 90-Day Rule

If you are visa-exempt, track your days within the Schengen Area carefully to avoid overstaying, as penalties for overstay can be severe.

4. Use Special Provisions for Artists

Some countries offer work permit exemptions for short-term cultural engagements. Be sure to research and take advantage of these where available.

5. Anticipate the Need for Multiple Permits

If your tour or work spans several countries, expect to apply for different work permits or visas in each country, depending on local rules.

6. Be Aware of New Border Control Systems

Expected from 2025, visa-exempt nationals will need to apply for travel authorisation through the ETIAS system before entering the Schengen Area. Additionally, the new EES (Entry/Exit System) will track entries and exits of all TCNs.

7. Factor in Time and Costs for Bureaucracy

Processing visas and work permits can take longer than anticipated, so build extra time into your plans for document processing. Also, take into consideration the costs associated with these permits, as they can vary between countries and quickly add up.

8. Manage Cross-Border Logistics

For tours across multiple EU countries, be mindful of differences in tax, social security, and work permit requirements.

Useful web addresses and links

European Commission – DG Migration and Home Affairs

- https://home-affairs.ec.europa.eu/policies/migration-and-asylum_en
- https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa_en

Your Europe Portal

- https://europa.eu/youreurope/index_en.htm
- https://europa.eu/youreurope/citizens/travel/entry-exit/non-eu-nationals/index_en.htm
- https://europa.eu/youreurope/citizens/work/work-abroad/index_en.htm

Short-Stay Visa Calculator

- https://ec.europa.eu/home-affairs/content/visa-calculator_en

EES online tool on available days to remain in Schengen (available in 2025)

- https://travel-europe.europa.eu/ees/check-how-long-you-can-stay_en

Europe Direct – General EU Helpdesk

- https://europa.eu/european-union/contact_en

EURES – European Job Mobility Portal

- https://eures.europa.eu/index_en

European Commission

- <https://ec.europa.eu>

European Commission – Employment, Social Affairs & Inclusion

- <https://ec.europa.eu/social>

WTO – General Agreement on Trade in Services (GATS)

- <https://www.wto.org>

WTO Documents on GATS Commitments

- <https://docs.wto.org>

European Parliament Legislative Observatory

- <https://oeil.secure.europarl.europa.eu/oeil/home/home.do>

ETIAS Official Website

- <https://etias.com>

EES Official Website

- https://travel-europe.europa.eu/ees_en

European Migration Network

- https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en

Creative Europe Desk UK

- <https://www.creativeeuropeuk.eu>

Other useful websites and links

Artists' Mobility

- <https://www.on-the-move.org>

Mobility Information Points

- <https://on-the-move.org/mobility-information-points>

Glossary and Legislative References

Terms

Third-Country Nationals (TCNs): Nationals of countries that are not members of the European Union (EU) or the European Economic Area (EEA).

European Union (EU) is composed of 27 countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

Schengen Area comprises 29 countries – 25 of which are EU countries.

- Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.
- Iceland, Liechtenstein, Norway (these three are EEA members), and Switzerland (neither EU nor EEA).
- Ireland is a member of the EU but not the Schengen Area.
- Cyprus is also a member of the EU but not yet a full member of the Schengen Area. It is in the process of joining, but as of now, it still maintains its own border checks and is not fully integrated into Schengen.

European Economic Area (EEA): The EEA includes all EU countries plus three non-EU countries: Iceland, Liechtenstein, and Norway.

Intra-EU Mobility: The ability for work permit holders, such as Blue Card holders, to move and work in another EU Member State under certain conditions.

Visa: A document that grants a person the right to enter or leave a specific country or territory. In some countries, the term "visa" may be used interchangeably with "permit."

Work Permit: A legal authorisation that allows TCNs to engage in employment in an EU Member State. This term may also refer generally to any authorisation permitting a person to work, with some countries using "visa" and "permit" interchangeably.

Residence Permit: A permit allowing TCNs to reside in an EU Member State, often tied to employment status.

Legislative References

Regulation (EU) 2019/1155 of 20 June 2019 amending Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code)

Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers

Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

Regulation (EU) 2016/399 of 9 March 2016 on the Union Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Directive (EU) 2021/1883 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment (EU Blue Card)

Directive (EU) 2024/1233 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State

Regulation (EU) 2017/2226 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States

Regulation (EU) 2018/1240 establishing a European Travel Information and Authorization System (ETIAS)

Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing external borders and those whose nationals are exempt from that requirement

Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (PWN Directive)

Case C-43/93 Raymond Vander Elst v Office des Migrations Internationales (Vander Elst Exemption)

Treaty on European Union

Treaty on the Functioning of the European Union

Legislative references and useful websites per country

Austria

- <https://www.migration.gv.at/en/types-of-immigration/permanent-immigration/other-forms-of-settlement/>

Belgium

- <https://www.workinginbelgium.be/en/limosa.html>
- <https://www.vlaanderen.be/en/working-enterprise-and-investment/working-professional-card-for-foreign-entrepreneurs/professional-card-exemptions>
- <https://economy-employment.brussels/professional-card> <https://emploi.wallonie.be/en/home/travailleurs-etrangers/carte-professionnelle/les-dispenses-de-cartes-professi.html>
- <https://emploi.wallonie.be/home/travailleurs-etrangers/permis-de-travail/dispenses.html>
- https://www.ejustice.just.fgov.be/cgi/article.pl?language=fr&sum_date=2024-08-12&lg_txt=f&numac_search=2024007847
- <https://economie-emploi.brussels/autorisation-travail-artiste>

Bulgaria

- <https://www.az.government.bg/pages/komandirovane-za-srok-ot-3-ili-6-meseca/>

Croatia

- <https://mup.gov.hr/aliens-281621/stay-and-work/work-of-third-country-nationals/281663>

Cyprus

- https://www.mip.gov.cy/dmmip/md.nsf/home_en/home_en?openform

Czech Republic

- <https://www.zakonyprolidi.cz/cs/2017-215>
- <https://frs.gov.cz/en/visa-and-residence-permit-types/third-country-nationals/long-term-visa/visa-for-a-stay-longer-than-90-days-for-cultural-purposes/>

Denmark

- <https://nyidanmark.dk/en-GB/Words-and-concepts/SIRI/Exemption-from-the-requirement-of-a-work-permit/>
- <https://www.nyidanmark.dk/en-GB/Applying/Work/Special%20individuel%20qualifications>

Estonia

- <https://www.riigiteataja.ee/en/eli/ee/521072020002/consolide/current#para105>
- <https://www.eesti.ee/eraisik/en/avaleht>
- <https://vm.ee/en/consular-visa-and-travel-information/visa-information/application-long-stay-d-visa>

Finland

- <https://finlex.fi/en/laki/kaannokset/2004/en20040301.pdf>
- <https://migri.fi/en/work-in-the-field-of-culture-or-arts>

France

- <https://france-visas.gouv.fr/en/france-visas/international-talents-and-economic-attractiveness>

Germany

- https://www.gesetze-im-internet.de/beschv_2013/_22.html
- https://www.gesetze-im-internet.de/beschv_2013/_25.html

Greece

- <https://www.mfa.gr/uk/en/visa.html?mission=lon>
- <https://apdattikis.gov.gr/en/process/1-4-2-intellectual-creators-article-17-paragraph-3-law-4251-14-renewal/>

Hungary

- <https://net.jogtar.hu/jogszabaly?docid=a1300445.kor>
- <https://www.magyarorszag.hu/>

Ireland

- <https://www.irishimmigration.ie/coming-to-work-in-ireland/what-are-my-options-for-working-in-ireland/coming-to-work-for-less-than-90-days/performance-tournament-visa/>

Italy

- <https://www.portaleimmigrazione.it/ElencoCasiParticolari.aspx>

Latvia

- <https://likumi.lv/ta/en/en/id/68522>
- <https://www.pmlp.gov.lv/en>

Lithuania

- <https://www.migracija.lt/en/home>

Luxembourg

- <https://guichet.public.lu/en/citoyens/immigration/moins-3-mois/ressortissants/tiers/sejour-travail.html>

Malta

- <https://homeaffairs.gov.mt/>

Netherlands

- <https://wetten.overheid.nl/BWBR0046078/2024-06-12>
- [Werkvergunning musicus of artiest | UWV](#)
- [Single Permit: GVA | IND](#)
- [Residence permit self-employed person | IND](#)

Poland

- <https://lang-psz.praca.gov.pl/en/-/10217876-praca-bez-zezwolenia>
- <https://www.gov.pl/web/uw-mazowiecki/kiedy-cudzoziemiec-nie-potrzuje-zezwolenia-na-prace2>
- <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20220000583/U/D20220583Lj.pdf>

Portugal

- <https://eportugal.gov.pt/pt/servicos/pedir-um-visto-de-residencia-ou-estada-temporaria-para-o-exercicio-de-atividade-profissional-de-espetaculos>

Romania

- <https://www.mae.ro/node/54595>

Slovakia

- https://www.upsvr.gov.sk/buxus/generate_page.php?page_id=363584

Slovenia

- <https://pisrs.si/aktualno/zakonodaja-v-anglescini>
- <https://www.ess.gov.si/en/jobseekers/employment-of-non-eu-migrant-workers/work-in-slovenia>

Spain

- <https://www.exteriores.gob.es/Consulados/londres/en/ServiciosConsulares/Paginas/Consular/Audiovisual.aspx>

Sweden

- <https://www.migrationsverket.se/English/Private-individuals/Working-in-Sweden/Employed/Special-rules-for-certain-occupations-and-citizens-of-certain-countries/Performers.html>

European Festivals Association

The European Festivals Association (EFA) is a community dedicated to the arts, the artists and the audiences. EFA's main role in the permanently developing world of digitisation and globalisation is to connect festival makers so to inform, inspire and enrich the festival landscape. In this perspective, EFA is a festivals' service, knowledge and training provider; the oldest cultural network of European festivals set up in 1952! It was established to bridge the distance between organisations and all kinds of stakeholders and to create connections internationally. All this in function of the enrichment of a festival's own artistic offer and its organisational opportunities.

EFA is becoming a “We” story, linking people and organisations active in the arts management field. The EFA community including at its core its members as well as The Festival Academy Alumni, EFFE Labels and more take the joint responsibility to offer arts to audiences. It is a story that is reaching beyond Europe as it strives to consolidate interaction between continents, countries and cultures so that there can be mutual inspiration, influence and confrontation.

EFA guides the discourse on the value of arts festivals. A sector that is so unique and that shares a myriad of concerns on intellectual, artistic, material and organisational level deserves a strong umbrella organisation that supports local initiatives and gives arts festivals a unified voice.

The European Festivals Association is a trusted alliance of festival makers including:

- 100 EFA members; strong and long standing festivals and national associations of festivals coming from different countries in Europe and beyond,
- An ever growing group of 3000 festivals in 45 countries registered on the FestivalFinder.eu website,
- 1000 alumni of The Festival Academy, EFA's global peer to peer learning and capacity sharing programmes for young festival managers,
- 60 cities contributing and participating in the Festival Cities Initiative.

EFA joined PEARLE* in 2005.

Pearle*

Live Performance Europe

Pearle*-Live Performance Europe is the European federation representing through its members and associations more than 13 000 theatres, theatre production companies, orchestras and music ensembles, opera houses, ballet and dance companies, festivals, concert halls, venues and other organisations within the performing arts and music sector across Europe.

Pearle*-Live Performance Europe acts as a forum for exchanging information of relevance to members, for sharing experiences in cultural management and technical skills, for supporting and assisting the formation of employers' associations ..., in addition to serving as the body to make representations to the European Commission and any other authorities whose deliberations may affect the work of the Performing Arts in Europe.

The Performing Arts Employers Associations League Europe, or Pearle* is an international not-for-profit organisation in compliance with Belgian law.

The aim of this non-profit making international non-governmental organisation is the establishing of a stable environment by supporting sustainability and promotion of the Performing Arts across Europe.

Its objects are as follows:

- the exchange of information, experiences and ideas of common interest to members working in the Performing Arts sector
- the obtaining of information concerning all European issues relating to members' interests
- facilitating collective decisions in areas of common interest
- expressing Pearle*'s views in discussions with bodies whose activities are relevant to Pearle*
- lobbying in accordance with collective decisions reached by the members' representatives to EU and other authorities
- carrying out all activities connected with the above mentioned activities.

The Ultimate Cookbook for Cultural Managers

A substantial part of the activity of contemporary artists, festivals, venues, touring and production companies, in the live music and performing arts encompasses cross-border cultural cooperation.

Too often when working together on an international artistic programme, unexpected problems arise based on misunderstandings or wrong assumptions about European legislation and bureaucratic procedures needed for this international cooperation to be the best collaboration it can be.

Drawing from observations on the challenges faced by the sector, and in particular from lessons learned after the Covid- 19 crisis, four main areas were identified to be further worked on: sustainability, digital, resilience, and mobility.

During the pandemic two sets of factors changed dramatically: there is a demand to be even more flexible & diverse in the range of skills required to traverse new ways of creating, producing & working and new possibilities & opportunities were revealed which still need to be embraced as part of the new “normal”. Not only did performing arts professionals strive to learn new technical skills, many related to the digital environment, but they also continued to critically think about long-term impact issues such as greener practices, risk & crisis management, interpersonal & entrepreneurial skills, management & employability skills. There is the need to change one's practices towards a more sustainable *modus operandi* which reduces the impact of a global crisis when it hits.

- [Social security Update \(March 2021\)](#)
- [Taxation Update \(March 2021\)](#)
- [Copyright Update \(March 2021\)](#)
- [Value added tax Update \(March 2021\)](#)

Referred to among ourselves, by way of an inside joke, as the Ultimate Cookbook for Cultural Managers, the booklets aim to explain in an easy-to-understand and to-read way what one should know and remember about each specific theme, in other words, what the ingredients are and how to cook the recipe by providing some tips.

The Ultimate Cookbook

FOR CULTURAL MANAGERS

THIRD-COUNTRY NATIONAL ARTISTS
WORKING IN THE EU

DECEMBER 2024

EFA /PEARLE* partnership in the context of the EFA RISE and EFA RISE 2 projects and REVEALING THE ALLIANCE project. EFA REVEALING THE ALLIANCE is supported between 2022 and 2024 by the Creative Europe Programme of the European Union



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