



AD HOC QUERY ON 2021.75 Conditions and salary requirements for professional sportsmen from third countries

Requested by EMN NCP Belgium on 16 December 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden (21 in Total)

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1. Background information

In Belgium, economic migration is a regional competence since 2014. Each region can lay down its own conditions and criteria to attract foreign talent.

Labour conditions and salary conditions are federal matters. The federal government considers to make adjustments to the status and remuneration of professional athletes, including the minimum wages and social security contributions.

In this context, the Flemish minister for Work wishes to gain insight into the applicable salary scales in the various EU Member States for attracting foreign sports talent. A comparison of the applicable scales could contribute to the development of a competitive framework for economic migration for professional sportsmen.

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2. Questions

- 1. 1. Does the legislation of your MS provide for an authorisation to work for third-country nationals as professional athletes, coaches or referees? YES/NO. Please explain.**
- 2. 2. If YES on Q1, is this authorisation to work as a professional athlete, coach or referee provided as employed worker and/or as self-employed person?**
- 3. 3. If YES on Q1, what are the specific conditions and salary requirements for authorisation to work as a professional athlete, coach or referee?**
- 4. 4. If YES on Q1, do these conditions and salary requirements vary according to the discipline in which the professional athlete, coach or referee is active?**

We would very much appreciate your responses by **27 January 2022**.



3. Responses

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

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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. <input type="checkbox"/>
	EMN NCP Belgium	Yes	<p>1. Yes. The legislation of the different regions provides for an authorisation to work for third-country nationals as professional sportsmen.</p> <p>2. As a rule, access to the labour market for professional sportsmen is only possible as an employed worker, given the presumption of employment for this category of workers. The presumption of employment applies to professional athletes, coaches and referees bound by an employment contract for paid sportsmen (that is, to all professional athletes, to coaches in the disciplines of football, basketball, volleyball and cycling, and to referees in the disciplines of football and basketball).</p>

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


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			<p>Coaches and referees who are not bound by an employment contract for paid sportsmen (that is, coaches in disciplines other than football, basketball, volleyball and cycling, and referees in disciplines other than football and basketball) can access the labour market as self-employed worker.</p> <p>3. a) as employed worker: professional sportsmen from third countries can access the labour market on the basis of an authorisation to work, with a minimum annual salary requirement per region (see Category A in table). This procedure applies to professional athletes, referees and coaches bound by an employment contract for paid sportsmen (that is, to all professional athletes, to coaches in the disciplines of football, basketball, volleyball and cycling, and to referees in the disciplines of football and basketball).</p> <p>In the Flemish region, a lower salary requirement applies to employed coaches who are not bound by an employment contract for paid sportsmen (that is, coaches in disciplines other than football, basketball, volleyball and cycling). These coaches need to earn half of the salary scale for professional sportsmen (see Category A2 in table) in order to obtain an authorisation to work.</p> <p>b) as self-employed worker: coaches and referees who are not bound by an employment contract for paid sportsmen (that is, coaches in disciplines other than football, basketball, volleyball and cycling, and referees in disciplines other than football and basketball) can access the labour market as self-employed worker. In order to obtain access, they need to apply for a professional card. The requirements for the professional card are 1) the added value for the region, and 2) if applicable, the minimum</p>
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			<p>means of subsistence in accordance with the average guaranteed minimum monthly income (since 1/9/2021, this has been set at 1 658,23 EUR gross per month) (see Category B in table).</p> <table border="0"> <thead> <tr> <th></th> <th>Flemish region</th> <th>Brussels Capital Region</th> <th>Walloon Region</th> <th>German-speaking Community</th> </tr> </thead> <tbody> <tr> <td>Category A1 – Employed worker</td> <td>Min. 86 209 EUR gross per year</td> <td>Min. 86 592 EUR gross per year</td> <td>Min. 86 209 EUR gross per year</td> <td>Min. 86 592 EUR gross per year</td> </tr> <tr> <td>Category A2 – Employed worker (exception)</td> <td>Min. 43 104 EUR gross per year</td> <td>/</td> <td>Min. 43 104 EUR gross per year</td> <td>/</td> </tr> <tr> <td>Category B – Self-employed worker</td> <td>Min. 1 658,23 EUR gross per month</td> <td>/</td> <td>Min. 1 658,23 EUR gross per month</td> <td>Min. 1 658,23 EUR gross per month</td> </tr> </tbody> </table> <p>4. Yes. The salary requirements for coaches and referees may vary according to the discipline in which they are active (see Q3).</p>		Flemish region	Brussels Capital Region	Walloon Region	German-speaking Community	Category A1 – Employed worker	Min. 86 209 EUR gross per year	Min. 86 592 EUR gross per year	Min. 86 209 EUR gross per year	Min. 86 592 EUR gross per year	Category A2 – Employed worker (exception)	Min. 43 104 EUR gross per year	/	Min. 43 104 EUR gross per year	/	Category B – Self-employed worker	Min. 1 658,23 EUR gross per month	/	Min. 1 658,23 EUR gross per month	Min. 1 658,23 EUR gross per month
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	EMN NCP Bulgaria	Yes	<p>1. The employment of foreigners in Bulgaria is regulated by the Law on Foreigners in the Republic of Bulgaria (LFRB), the Law on Labour Migration and Labour Mobility (LLMLM) and the Regulations for its implementation (RILLMLM). Third-country nationals may work in Bulgaria only if they reside legally on</p>																				


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			<p>the territory of the country. This fact should be certified by the relevant residence permit or residence and work permit issued by the Ministry of Interior. Another option to access the labour market is a work permit or a permit for self-employment to be issued by the Executive Director of the Employment Agency.</p> <p>The LFRB provides for the possibility third-country nationals employed as professional athletes, coaches or referees (under the Labour Code) to receive a long-term residence and work permit of the type "Single residence and work permit". It shall be issued by the Ministry of Interior pursuant to Article 24 of the LFRB. It is also accompanied by a positive opinion of the Executive Director of the Employment Agency granting access to the Bulgarian labour market.</p> <p>2. In view of the above, the current legislation does not provide for issuing any other type of work permit to third-country nationals employed with employment contract by a local employer to work as professional athletes, coaches or judges.</p> <p>In case the third-country nationals wish to be self-employed as professional athletes, coaches or referees in Bulgaria, the legislator provides for the possibility to obtain a permit for self-employment by the Employment Agency on the grounds of Article 44, Paragraph 1 of the Law on Labour Migration and Labour Mobility.</p> <p>3. According to Article 7, Paragraph 1, Item 2 of the Law on Labour Migration and Labour Mobility, foreigners should have working conditions and payment that are not less favourable than the conditions for Bulgarian citizens for the respective category of work. The remuneration</p>
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			<p>foreigners receive (including professional athletes, coaches or referees) should be consistent with the remuneration envisaged for Bulgarian citizens employed in the relevant sector. The amount of the agreed remuneration for foreigners shall not be less than the amount of the minimum wage set in the country to the date of submitting the application for issuing the respective type of permit.</p> <p>4. In view of the above, the Law on Labour Migration and Labour Mobility does not provide for specific requirements for the salaries of third-country nationals having activities as professional athletes, coaches or referees in Bulgaria, including as regards a specific sport discipline.</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. 2. As employed worker. 3. The stay and work permit may be issued to a third-country national who meets the general conditions as required: <ol style="list-style-type: none"> 1. holds a valid foreign travel document 2. has means of subsistence 3. has health insurance 4. when applying for temporary stay for the first time, provides a document proving that he has not been convicted of criminal offences by a final ruling, which has been issued by his home country or a country in which he has resided for more than a year immediately prior to arriving in the Republic of Croatia,



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			<p>5. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry</p> <p>6. does not pose threat to public policy, national security or public health. and who encloses the following:</p> <ol style="list-style-type: none"> 1. contract of employment <p>As regards salary condition, there is a general condition that salary should not be lower than Croatia's minimum wage. Also, it should be take into account that one of the conditions for approval of work and residence permit is that TCN has means of subsistence (e.g. for a single person the amount is 50% of the average monthly "neto" salary in the previous year- 3.381,50 HRK monthly). Therefore the salary would also have to be equal or higher than said amount.</p> <p>4. No.</p>
	EMN NCP Cyprus	Yes	<ol style="list-style-type: none"> 1. Yes, they are allowed to work as long as they apply for a single permit. 2. As employed workers, they are not allowed to be self-employed. 3. No 4. This falls under the competencies of the Cyprus Sports Organisation.

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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Professionals are entitled to perform their activity either based on a so-called "sports contract" or on an employment contract. In the case of an employment contract, the employee card is issued as the residence permit. In the case of a "sports contract" the long term visa or long term residence permit is issued. Activities based on the „ sports contract“ are not considered by the Czech Law as the „dependent work“. There is no special authorisation for professionals in Czech law. 2. N/A 3. N/A 4. N/A
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. Moreover, a certain number of residence permits under the Estonian Immigration Quota are annually set specifically aside for athletes, coaches and sports referees (18 residence permits in 2021, 26 in 2022). 2. Employed worker. 3. Professional athletes, coaches and referees are exempted from regular requirements and they can apply for a residence permit for employment without the consent of the Estonian Unemployment Insurance Fund and not fulfilling the salary criterion. Nevertheless, the company or legal entity hiring them, has to be

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			<p>registered in Estonia and the granting of residence permit must be in conformity with the purpose of granting temporary residence permit for employment. Their salary also must be sufficient for his or her subsistence in Estonia.</p> <p>4. No.</p>
+	EMN NCP Finland	Yes	<p>1. YES. According to Section 77 of the Finnish Aliens Act, other residence permits for employed persons are issued to aliens who are professional athletes, coaches or referees. The alien's means of support shall be secured with income obtained through gainful employment during the validity period of the residence permit.</p> <p>In addition, according to Section 79 of the Finnish Aliens Act, aliens have the right to gainful employment without a residence permit if they: 1) arrive in the country on the basis of an invitation or agreement to work as interpreters, teachers, experts or referees for a maximum of three months; 2) arrive in the country on the basis of an invitation or agreement to work as professional artists or athletes, including assisting, technical or training staff, for a maximum of three months. However, the residence in Finland must be legal. Residence without a residence permit is legal if the alien has a valid visa, a Schengen residence permit granted by another country or he/she come from a visa-free country.</p> <p>2. The authorization to work as a professional athlete, coach or referee is provided mainly as employed worker. However, the residence permit for an entrepreneur does not specify in which sector should the company</p>


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			<p>operate in. A person could work as an entrepreneur as a tennis instructor, for example.</p> <p>3. In addition to the general requirements for entry into Finland, the applicant must meet the following requirements:</p> <ol style="list-style-type: none">1) Must be a professional athlete, coach or referee (examples of what makes a professional: education in a sports institute or an institution of higher education, membership of a sports club, previous employment in some sport)2) Must have an employment contract with a sports club or a similar employer. The employment must be confirmed before applying for a residence permit for sports. The sports club or employer must be located in Finland, and the applicant must be in an employment relationship with them (usually shown with an employment contract).3) Must have sufficient financial resources. The applicant must be able to support him/herself in Finland with his/her salary throughout the time the residence permit is valid. The minimum salary in 2021 has been 1252 €. If the applicant's accommodation benefit or some other benefit is considered to form a part of his/her salary, he/she must attach a document on the taxable value of the benefit to the residence permit application. It is not possible to replace a salary in money with other fringe benefits (such as game or training outfits) or with health care or reimbursement of expenses. All fringe benefits included in the player contract must be shown on the applicants payslip as taxable income. <p>4. The government decision on the national guidelines for the general conditions for the use of foreign labor will be taken into account when</p>
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			<p>considering the means of subsistence. According to the decision, in the case of full-time employment, the subsistence condition must be deemed to be fulfilled for the employee's residence permit when the salary is at least in accordance with the collective agreement applicable to the employment. In the absence of a suitable collective agreement, the subsistence condition is met if the salary corresponds to the level of salary paid for similar tasks. If the salary cannot be determined on the basis of the above-mentioned criteria, it is established practice that the salary should be high enough to accrue the working days of the employment condition (Unemployment Security Act). If a collective agreement is applied, the salary requirements may vary between sectors. In the absence of a collective agreement, the same minimum subsistence conditions apply to all.</p>
	EMN NCP France	Yes	<p>1. Yes. Third-country nationals professional sportsmen are subject to the common law provisions applicable to all third-country nationals coming to France to work. In accordance with the provisions of articles L.5221-1 and R.5221-1 of the French Labour Code, they must be authorized to carry on a professional activity in France,. In order to stay in France, professionals wishing to work in the field of sports must obtain a work permit prior to applying for a visa or residence permit. The application for a work permit must be submitted by the employer via a dedicated online service (https://administration-etrangers-en-france.interieur.gouv.fr/particuliers/#/).</p>

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			<p>However, the foreign national may be exempted from an authorisation to work in certain cases:</p> <ul style="list-style-type: none">- The "talent passport" multi-year residence permit can be issued to a foreign national whose national or international reputation is established or who is likely to participate significantly and sustainably in economic development and who comes to exercise an activity in a sporting field (Article L.421-21 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum - CESEDA). Article 5221-2 of the Labour Code specifies that holders of a "talent passport" multi-year residence permit are exempted from the work authorisation provided for in Article R.5221-1 of the Labour Code.- In addition, Article 19 of Law No. 2016-274 of March 7, 2016 on the rights of foreign nationals in France, codified in Article L. 5221-2-1 of the Labour Code, provides for an exemption from the Temporary Work Authorisation (APT) for foreign nationals who enter France to carry on a salaried professional activity for less than three months in areas determined by decree, including sporting events. These are essentially competitions and championships in various sports that bring together representatives of several countries and athletes of different nationalities. <p>2. Professional sportsmen, trainers or referees holding an "employee" or "temporary worker" residence permit are authorized to work in France in the framework of their declared salaried activity. Similarly, holders of a "talent passport - international reputation" residence permit -, who are exempt from a work authorisation and whose national or international reputation is recognized, may only work in the</p>
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			<p>activity for which the permit was granted.</p> <p>3. The examination of an application for a work permit is based on several criteria, including professional experience, level of remuneration, and the absence of criminal convictions or administrative sanctions against the employer.</p> <p>Regarding the "employee" or "temporary worker" residence permit, the salary cannot be lower than the minimum wage (Statutory Minimum Wage – SMIC, 1603.12 euros gross per month for 35 hours per week as of January 1, 2022, 19,237.44 euros gross per year) or the salary provided for in the collective agreement applicable to the company.</p> <p>Concerning the "talent passport - national or international reputation" residence permit, which exempts the need for a work authorisation, it is issued for a maximum period of 4 years and under the following conditions:</p> <p>The foreign national must justify :</p> <ul style="list-style-type: none">• an activity in France in the field of sports.• a national or international reputation (prizes, medals, distinctions, etc.),• resources to support themselves and their family members (equivalent to a Statutory Minimum Wage – SMIC – full time). <p>For stays of less than three months for which a work authorization exemption exists, the applicant must present proof of the sports activity and resources (equivalent to a Statutory Minimum Wage – SMIC – full time).</p> <p>4. The salary requirements depend on the salaries of the sport/club for</p>
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			identical positions occupied by national and European sportsmen.
	EMN NCP Germany	Yes	<p>1. YES. Professional athletes and coaches from third countries need an authorisation that allows them to reside and work in Germany. The application must be approved by the local foreigner's authority. The approval of the German Federal Employment Agency is not required. This, as well as the following answers, also apply to persons who practice e-sports professionally if the practiced e-sport is of significant national or international importance. Although not explicitly mentioned by the legislation, the answers to this query may also apply to referees.</p> <p>2. The authorisation is foreseen for employed workers. Depending on the circumstances and only as an exception, an authorisation for self-employment might also be possible. However, there has to be an economic interest or a regional need for the self-employment. Furthermore, the self-employment has to be financially secured and expected to lead to a positive economic impact.</p> <p>3. The specific conditions for professional athletes and coaches are:</p> <ol style="list-style-type: none"> 1. The athlete or coach must be at least 16 years of age and is intended to practice their profession in a German sports club or comparable sports establishment, provided that the establishment participates in competitive sports. 2. The sports club or establishment- pays at least 50 percent of the income threshold of the statutory pension insurance (minimum income for 2022: EUR 3525)


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			<p>3. The responsible central association for the sport and the German Sports Federation by mutual agreement confirm the athlete's athletic qualification or the coach's professional competence</p> <p>4. No.</p>
	EMN NCP Greece	Yes	<p>1. Yes. Article 17, par. 1 (f) of Law 4251/2014 (Code on Migration and Social Integration) provides the granting of a special purpose residence permit to athletes and coaches of sports recognized by the Greek sports authorities for their registration, transfer or employment in a recognised sports union, athletic societe anonyme or a remunerated athletes department under an agreement/labour contract, provided they have obtained a visa and procure to the competent consular authority an approval from the Greek sports federation for the relevant sport, if required, and a certified copy of the agreement/contract. The above-mentioned third-country nationals, if they provide the required documents, are granted a residence permit of two years or equal to the period of their stay in the country, which is renewed every three years, as long as the interested parties continue to provide their services.</p> <p>2. It is provided for people who will work as employed workers.</p> <p>3. For the issuance of a residence permit, the submission of a contract / employment contract is required if it is about a transfer of a professional or a remunerated athlete or for the hiring of a coach; his/her employment</p>



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			<p>contract with a specific sports club S.A. or a remunerated athletes department, in the Greek language, as well as a certificate from the Greek Sports Federation of the sport in question, certifying that the athlete has the right to join the sports club, the Sports Societe Anonyme or the Remunerated Athletes Department of the sport in question or that the coach has the legal qualifications to practice his/her profession in Greece.</p> <p>4. All of the above relate to the provisions of migration legislation and there is no other specific provision in it.</p>
	EMN NCP Hungary	Yes	<p>1. Yes, in Hungary authorisation can be granted for third-country nationals to work as professional athletes, coaches or referees. According to Act I of 2004 on Sports, professional athletes are competitors engaged in sports activities as an occupation, with a view to earning income. All other competitors shall be regarded as amateur athletes. Article 8 sets out that unless specified as an exception in an act, professional athletes shall pursue sports activities under a work contract concluded with a sports undertaking. Professional athletes may pursue sports activities in sports associations only if allowed by the regulations of a sports federation. Professional athletes, coach and referees may perform their duties under an employment contract or a contract of assignment.</p> <p>2. Residence Permit for the Purpose of Employment is needed to work as a professional athlete, coach or referee provided as employed worker.</p> <p>3. There are no specific conditions and salary requirements.</p>



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			4. No, the conditions and salary requirements don't vary.
	EMN NCP Latvia	Yes	<p>1. Yes. Latvian legislation provides a right to employment (work permit) for professional sportsmen, coaches and referees.</p> <p>2. In majority of cases the work is carried out on the ground of a work agreement however in some cases a person chooses to work as self-employed person.</p> <p>3. Salary of the sportsman, coach or referee shall correspond to the average monthly salary in Latvia in previous year (in 2020 – 1076 EUR gross per month; 2021 - 1143).</p> <p>4. No, salary does not depend on the discipline of activity or the category of third-country citizen.</p>
	EMN NCP Lithuania	Yes	<p>1. No. In accordance with the provisions of Article 45.1.3 and Article 58 of the Law of the Republic of Lithuania on the Legal Status of Foreigners, a foreigner who is an athlete participating in high-level sport or a coach within the meaning of the Law on Sport of the Republic of Lithuania who arrives in the Republic of Lithuania to engage in sporting activities <u>is exempt</u> from the obligation to acquire a work permit.</p>

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			<p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p>
	EMN NCP Luxembourg	Yes	<p>1. Yes, in accordance with article 54 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law).</p> <p>2. In accordance with article 54 (1) 1 of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) professional sportsmen and trainers only can obtain a contract as salaried workers. The applicants must hold an employment contract with the approved federation or affiliated club.</p> <p>3. The salary requirements for a sportsman or a trainer/coach is the social minimum wage for a full-time work, which is the equivalent of 2.256,95 Euro per month.</p> <p>4. No.</p>
	EMN NCP Netherlands	Yes	<p>1. Yes. Third-country nationals can be authorised to work as professional athletes or coaches in the Netherlands through a work permit (Tewerkstellingsvergunning – TWV) or a so-called combined permit for</p>

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			<p>residence and work (Gecombineerde vergunning voor verblijf en arbeid – GVVA). Within the sports sector, the Employers' Organisation for Sports (WOS) has a special agreement with the IND to facilitate fast and efficient application procedures for professional athletes, coaches, trainers and physiotherapists from abroad.^[1]</p> <p>^[1] Employers' Organisation for Sports (WOS), 'Work and residence permits', https://www.sportwerkgever.nl/wos-diensten/vergunningen/, last accessed 23 December 2021; please note that this special regulation is not applicable to referees (this information was provided by the Immigration and Naturalisation Service (IND) on 12 January 2022).</p> <p>2. The authorisation (i.e. the permit) for third-country nationals to work as a professional athlete, coach or referee is usually provided as an employed worker for a sports club or association. The respective club or association, and in some cases the WOS, applies for the permit on behalf of the third-country national.^[1]</p> <p>^[1] Employers' Organisation for Sports (WOS), 'Work and residence permits', https://www.sportwerkgever.nl/wos-diensten/vergunningen/, last accessed 23 December 2021.</p> <p>3. There is a special regulation for professional athletes. That is, athletes <u>who play in the highest class (league) within the respective sporting discipline</u> are exempted from the labour market test that normally applies to third-country nationals applying for a work permit. In addition, there are some special requirements for applying for authorization for a work permit for professional athletes:</p> <ul style="list-style-type: none">• Salary: The salary paid to the third-country national professional
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			<p>athlete must be equal to or more than that of players who are among the top 20% of the highest class of the respective sporting discipline in the Netherlands.</p> <ul style="list-style-type: none">• Level: The third-country national professional athlete must have regularly participated in competitions that are at least of the same level as the highest competition in the Netherlands, or he/she must have proven a similar level in another manner such as through the participation in world championships. [1] <p>For referees and coaches there are no special regulations. It is possible for them to apply for a work permit where all the general conditions[2] (including a labour market test) apply. [3]</p> <p>[1] Art. 8(1)(16) of the Aliens Employment Act Implementation Guidelines 2014.</p> <p>[2] These general conditions are: the employer must have searched for suitable candidates from within the EU/EER for at least 5 weeks; the employer must fulfill relevant salary requirements and employment conditions; the employer must ensure that the third-country national is provided with adequate housing; the employer cannot have transgressed labour laws in the past five years; and the third-country national must be at least 18 years old; see Art. 8(1) of the Aliens Employment Act Implementation Regulation 2014.</p> <p>[3] This information was provided by the Ministry of Social Affairs and Employment (SZW) on 10 January 2022.</p> <p>4. The conditions (as described above in Q3) vary slightly with regard to professional <u>football players</u>:</p> <ul style="list-style-type: none">• Class (league): the third-country national football player must play
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			<p>in the first or premier football league;</p> <ul style="list-style-type: none"> • Salary: The salary paid to the third-country national football player must conform to the market; this corresponds to a salary of at least 150% (or 75% for players aged between 18 and 20) of the average remuneration of players in the premier league including premiums, which depend on the performance of the requesting club; and • Level: Before coming to the Netherlands, the third-country national football player must have participated in competitions that are at least of the same level as the highest football competition in the Netherlands; for this purpose, the FIFA top 40 country ranking is consulted. Alternatively, the third-country national football player can prove a similar level by having been selected for the national (youth) football team or the Olympic team in his/her country of origin.[1] <p>[1] Art. 8(1)(17) of the Aliens Employment Act Implementation Guidelines 2014.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. Yes. Polish regulations provide for the necessity to obtain a document admitting to the labour market by a foreigner (from outside EU/EEA), also in the case of sports professions. Nevertheless, special provisions in cases in which an employer entrusting work to a foreigner is exempt from detailed requirements, i.e. carrying out a labour market test (assuming that the conditions for legalization of stay are met, constituting a separate procedure), cover a group of sports coaches and athletes. Regulatory provision, i.e. the Regulation of the Minister of Labour and</p>

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			<p>Social Policy on the determination of cases in which a work permit for a foreigner is issued regardless of the detailed conditions for issuing work permits for foreigners (Journal of Laws of 2019, item 154) states: The voivode issues a work permit without the need to obtain the information referred to in art. 88c of paragraph 1. 1 point 2 of the Act (labour market test), in the case of:</p> <p>a foreigner - a sports trainer or athlete, working for sports clubs and other entities whose statutory activity includes promoting physical culture and sport.</p> <p>Also, according to the Regulation of the Minister of Labour and Social Policy of 21 April 2015 on cases in which entrusting work to a foreigner in the territory of the Republic of Poland is permissible without the need to obtain a work permit, entrusting a foreigner with work in the territory of the Republic of Poland without the need to obtain a work permit is allowed in the case of foreigners:</p> <ul style="list-style-type: none">- athletes performing, up to 30 days in a calendar year, work for an entity based in the territory of the Republic of Poland in connection with sports competitions;- performing work in connection with sporting events of international rank, directed by an appropriate international sports organization. <p>2. It depends on the type of contract a foreigner has with an employer. In Poland, it is the employer who applies for a document such as a work permit for the foreigner he wants to employ. If the category of the profession falls under the regulations exempting from the requirement to have a work permit, then the status of an employed foreigner depends on the employment contract he concluded.</p>
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			<p>A sole trader doesn't need a work permit however access to an self-employment is strictly limited by law (more on here). While applying for a temporary residence and work permit or a temporary residence permit for a purpose of conducting a business activity (performing functions in the management board of a limited liability company or a joint-stock company by its shareholder / shareholder) a labour market test is required.</p> <p>3. Polish regulations determine only that an employer employing a foreigner has the same obligations towards him as towards a Polish citizen in the scope of i.e. ensuring the minimum wage specified by law - if the work is entrusted under an employment contract or contract of mandate (in the case of employment, the minimum monthly remuneration for full-time work is 3,010.00 gross PLN, for contracts of mandate gross 17.00 PLN per hour). Also, the general condition for entrusting work to a foreigner in Poland is obtaining an appropriate permit (if applicable) and legal stay of the foreigner on the territory of the Republic of Poland. There are no additional regulations determining above mentions for the specific profession such as athletes.</p> <p>However, according to the Act of Foreigners (amended on 17 December 2021, the amendment will enter into force on 29 January 2022) in regard to granting a single permit:</p> <ul style="list-style-type: none">• the remuneration indicated by the entity offering the work in an annex to the application for a permit cannot be lower than the remuneration of workers performing, on the same working time, work of a comparable type or in a comparable position;
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			<ul style="list-style-type: none"> the amount of the monthly remuneration cannot be lower than the minimum remuneration for work (in 2022- 3010,00 PLN \approx 656,64 EUR) <p>4. They may vary if the differences in salaries in the disciplines exists. As it was mentioned, the remuneration indicated in an annex to the application for a single permit cannot be lower than the remuneration of workers performing, on the same working time, work of a comparable type or in a comparable position.</p> <p>I.a. a remuneration of a soccer and handball goalkeepers may differ, as well as remuneration of a goalkeeper and football coach, but the remuneration of a soccer goalkeeper should not be lower than general (average) remuneration of soccer goalkeepers playing in the same league.</p>
	EMN NCP Portugal	Yes	<p>1. No. The professional athlete must apply for a residence permit for work. The conditions of work and salary are established in the work contract.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p>



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	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Yes, in the Slovak Republic there is a temporary residence for the purpose of special activities which pertains (among others) also to conducting sports activities by professional athletes. Referees and coaches can also apply for this type of temporary residence.</p> <p>2. This is a special category, which is not possible to strictly define. But from the legal point of view, it can be considered mostly as an employment relation. Based on the Labour Code (No. 311/2001), Article 2 par. 3 the legal relations of professional athletes when conducting sport activities based on the contract on professional sport performance and legal relations of sports experts (including coaches and referees) based on the contract on performing the activities of sports expert are regulated by the Labour Code only in some instances provided by the Act on Sports (No. 440/2015).</p> <p>3. Conditions and requirements for the temporary residence for the purpose of special activities are regulated by the Act on the Residence of Foreigners (No. 404/2011). More information is available here https://www.mic.iom.sk/en/download/info-cards/itemlist/category/73-temporary-residence.html As for the salary, based on the Act on Sports (Article 36, par. 1), the salary of the professional athlete conducting sports based on the contract on professional sport performance is regulated by the Labour Code. The salary cannot be lower than the minimal wage set by the legislation.</p> <p>4. No.</p>
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	<p>EMN NCP Spain</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. Regulations of aliens and immigration and Instructions which determine the procedure to authorize the residence and the development of professional sports work activities by foreigners, approved by Agreement of the Council of Ministers of 15 July 2005, as well as Instruction DGI/SGRJ/02/2009, complementary to the previous Instructions 2. The first one, as employed worker. 3. The procedure and specific characteristics are included in the instructions published. In terms of wages, no special conditions are included, beyond the assessment that will be made by the competent authorities, and that must comply with the general provisions regarding the procedure of temporary residence and employment contained in the regulation. 4. No
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes See question 3 2. As employed worker 3. Work permits for athletes and coaches. To obtain a permit, the applicant must: <ul style="list-style-type: none"> - play at least in Division 1 (for men) or in Damallsvenskan or Elitettan (for women) for a football player. The same requirements apply if the

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			<p>person is going to work as a football coach</p> <ul style="list-style-type: none">- play or coach in Basketligan or Basketettan (for women and men) if basketball player. The same requirements apply if the person is going to work as a basketball coach- have a written contract with a club or association in Sweden that is affiliated with the Swedish Sports Confederation- have been offered a monthly salary of at least SEK 14,300 before tax- have a health and accident insurance that is consistent with what is customary in the sport and at that level- The Swedish Sports Confederation must certify that the employment is of vital importance for the positive development of the sport. <p>4. No See question 3</p>
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