Most frequently asked questions by artists and answers about their European Citizens’ Rights
This report was carried out under the PRACTICS project. PRACTICS is an EU funded 3-year project coordinated by the Finnish Theatre Information Centre (TINFO) and Fondazione Fitzcarraldo which joined forces with 10 other cultural organisations in Europe. The project started at the end of 2008 and is conceived as a pilot project which seeks to facilitate the provision of information, exchange of best practices and provide support to EU cross-border mobility in the cultural sector. Under this project pilot “Practics Infopoints” have been set up in 4 EU-countries/regions: Belgium, Spain, Wales and the Netherlands. Their task is to offer cultural professionals (individual artists and operators) information and advice on legal, fiscal and social issues and help them overcome obstacles when working cross-borders. The Infopoints will also offer training to professionals on issues related to mobility and promote coordination and networking within the cultural sector. To enhance their own capacities to support mobility beyond the duration of the project and share good practices, pilot Infopoints will further engage in the exchange of staff.

The partners piloting these Infopoints are Kunstenloket from Belgium, SICA from the Netherlands, the Arts Council of Wales/Wales Arts International and Interarts from Spain. The project is also conducting research in Finland and Italy to find out how such a contact point could be set up there in the future.

At the end of the project in 2011, on the basis of the concrete piloting and mapping cases the project will identify key mobility stimulators and formulate recommendations for overcoming obstacles to mobility and for continuing the Infopoints in the future.

ECAS supports the Practics project by sharing its experience as coordinator of Your Europe Advice (former Citizen Signpost Service) a Europe-wide service that offers citizens specific and tailored information and advice on their rights under internal market rules - as well as signposting where appropriate to an authority or other body.

More information on: www.practics.org

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1 Het Kunstenloket (Belgium), Stichting Internationale Culturele Activiteiten SICA (Netherlands), The Arts Council of Wales ACW/WAI (Wales/UK), Fundació Interarts per a la Cooperació Cultural Internacional (Spain), Fondazione Fitzcarraldo (Italy), Performing Arts Employers Associations League Europe (Pearle*), Association Européenne des Conservatoires (AEC), European League of Institutes of the Arts (ELIA), European Citizen Action Service (ECAS), International Network for Contemporary performing Arts (IETM), Network of European Museum Organisations (NEMO), Romanian Museum Network (Romania).
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INTRODUCTION

The Internal market of the European Union (EU) is a single market in which the free movement of goods, services, capital and persons is ensured and in which European citizens are free to live, work, study and do business.

Working in another European country gives individuals the chance to learn a new language, discover a new culture and develop new skills. Job mobility is also crucial to Europe's objective of boosting jobs and growth and more and more people have become aware of the opportunities for mobility.

This is an important reality that can positively influence the citizens’ life and it is even more crucial for artists. Artists need to travel around Europe and across borders to increase their activities, meet new persons and improve their skills.

In doing so, artists encounter different obstacles and they need to be well informed to overcome them.

METHODOLOGY

In order to put together this publication, we have taken initiative from previous ECAS’ publications addressed to citizens and their doubts on the financing and rights deriving from the EU. We then linked it with the examination of around 100 enquiries received by ECAS from “artists” in the period January 2007- June 2010. These enquiries where related to different issues on mobility inside the European Union (such as residence rights, social security, taxation, etc…).

We then extracted some of the most common enquiries to use as concrete examples in the different chapters of the publication.

From the reading of these enquiries, we could conclude that:

- Artists mainly enquire on the possibility of residing in an EU country different from the country of origin and on the conditions or requirements to work either as an employee or a self-employed professional in an EU country;

- It can be observed that in fields, such as taxation, due to the particular situation of artists, the main problems encountered by them are strictly linked to their profession; while in the other cases, often the enquiries related to more general issues, not essentially linked with their specific profession.

The “Most frequently asked questions” publication focuses on the main area of difficulties for artists, such as social security and taxation.

Each chapter will try to answer in detail the problems artists encounter in their daily life, by means of a questions and answer structure, and the help of some concrete examples.

The last question plays the role of “security exit”. Giving an overview of the services that the European Union has set up in the recent years, the “Source of help?” chapter aims to provide the readers with helpful tips on how to find an answer to their problems.

Artists and culture operators are invited to contact both the 4 PRACTICS Infopoints and the European service².

² National Practics Infopoints:
- Practics Wales, UK: Arts Council of Wales/Wales Arts International: www.wai.org.uk
- Practics Belgium: kunstenloket: www.kunstenloket.be
- Practics Spain: Interarts: www.interarts.net
- Practics Netherlands: SICA: www.sica.nl

For more information see chapter «Source of help».
EUROPEAN CITIZENSHIP
This chapter introduces the concept of European Citizenship and the rights which derive from it

1. How do I become a European Citizen?

Article 20(1) of the Treaty on the Functioning of the European Union (TFEU)³ states: “Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.”

Therefore, European citizenship is a right derived from citizenship of a Member State and is acquired automatically as a result of being a national of one of the Member States. A person cannot be a European Citizen if they are not a citizen of one of the Member States. The decision to grant citizenship to third country nationals (i.e. non-EU nationals) is solely within the competence of each Member States’ according to their national laws.

The freedom to move is arguably one of the most visible rights you have as a European citizen; allowing you to study, work, live or even retire in another Member State. Closely linked to this, is the concept of non-discrimination. All discrimination based on nationality is banned by the EU Treaties, meaning that you should not be disadvantaged in comparison to nationals of the Member State you reside in. In other words, you have the right to equal treatment.

**QUESTION:** A self-employed designer who is a Romanian citizen working in Romania asked whether he could work as a self-employed person in France.

**REPLY:** According to EU Law, the citizen can be self employed without any restrictions, in France. The citizen was directed to visit the following website for more information:

http://vosdroits.service-public.fr/particuliers/F805.xhtml

European Citizenship rights are being applied in an ever increasing number of countries, courtesy of the EU’s continuing expansion. These rights should allow you to move around the Union with as much ease as if you were moving around your own Member State. However, it is important to note that, although part of a Union, there are a number of distinct ‘zones’ in which temporary restrictions may apply, or invoking these rights may be more difficult. The first of these “zones” exist between older and newer Member States. The EU comprises of 27 Member States, the latter of which joined in 2004 and 2007. These are the EU8, Cyprus and Malta and Romania and Bulgaria respectively. A number of transitional arrangements have been put in place between these Member States. These arrangements, or limitations, are set to cease completely in 2011 in relation to the EU8, Cyprus and Malta, and in 2014 in relation to Romania and Bulgaria. It should be noted these limitations relate only to workers and not people in general. More information can be found at:


As these arrangements cease to exist, there will be less of a sense of two distinct zones, again enhancing free movement. This is strengthened further when you take into account the Schengen ‘zone’. The Schengen Area (please refer to the glossary for a list of the countries party to the Schengen Agreement) takes free movement beyond the Union boundaries. Within the Area internal border controls have been abolished for nationals of the States party to the Agreement, again enhancing your freedom of

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³ Article 20(2) of the Lisbon Treaty re-states that citizens will enjoy rights such as:
(a) the right to move and reside freely within the territory of the Member States;
(b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
(c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
(d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the Institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.
movement.

A further ‘zone’ is the Eurozone, which refers to Member States in which the Euro is the sole currency. The burden of having to obtain a new currency has been removed, meaning travel between these States is easier.

A final zone is the European Economic Area (EEA) which again eases movement by allowing Iceland, Liechtenstein and Norway (note, not Switzerland) to participate in the EU’s single market. As such, these three states have agreed to enact all relevant EU legislation, including free movement of people provisions.

TRAVELLING IN THE UNION

This chapter gives a general overview of the documents which are needed for both European and non-European citizen when entering and travelling in another Member State

2. Do I have to carry a passport/identity card to travel inside the EU?

The Citizenship Directive⁴ states that you, as a European citizen, have the right to enter another Member State by virtue of having an identity card or valid passport. It is important to note at this stage that, although you need a valid passport, under no circumstances are you required to have a visa to enter or exit Member States. Immigration officers are entitled to check that you are in possession of the relevant documents, so it will often be the case that you will need to show a valid identity card or passport. Should you not be in possession of these documents, the same Directive allows for ‘every reasonable opportunity’ to obtain them. The transposition of the requirement to give ‘every reasonable opportunity’ has been implemented in varying degrees by the different Member States.

QUESTION: An international artist organization employed artists from EU-third countries. These artists were working in an EU country and have a D-visa for this country. However some of the employees were not allowed to transit Poland and they were deported to their country. The reason was that they didn’t have transit visa for Poland.

REPLY: The international artist organisation were informed that as of August 2006 Decision nr. 895/2006/EC and Decision nr. 896/2006/EC are valid in Poland. This means that foreigners, regardless of their nationality are exempted for Polish Transit Visas if they have a valid visa and residence permit in a number of countries. The organisation was made aware that Poland was not following EU Decisions by denying her employees transit. The organisation was signposted to SOLVIT Poland for further assistance.

It should be noted that the Schengen Rules heavily influence the need to actually produce your passport when travelling. As an EU citizen, should you be travelling within the Schengen Area you do not need to show your passport. However, identity checks may be carried out and so, once again, in reality you may well have to produce your passport. On the other hand, for Liechtenstein (by virtue of a special agreement), Norway, Iceland and Switzerland you are still required to travel with your passport.

These rules differ in relation to non-EU citizens who will be required to show a valid passport or identity card when travelling within the EU.

Regarding visas, there are 34 states the citizens of which do not require a visa for travelling in the EU (the list of states may vary for the United Kingdom and Ireland).

More information on:

Once you have received a visa for one Schengen Area state, you can use this to travel to any other Schengen state. Similarly, if you have a valid residence permit for one Schengen state this acts as an equivalent to a visa for the entire Area. However, travelling to non-Schengen EU Member States may mean that you need a national visa. Furthermore, states may impose additional requirements to your visa (such as a letter of invitation, proof of local consular services for the destination state).

3. What do I need in terms of health cover when moving within the EU?

EU nationals are entitled to receive free or reduced-cost healthcare in case of sudden illness or an accident which happens whilst in another EU Member State. You should note this only applies to publicly funded treatment and each Member State has its own rules governing this. Therefore, one of the following situations could be true depending on which state you are receiving the treatment in:

- Your treatment will be free of charge;
- You will have to pay part of the cost of the treatment; or
- You will have to pay the full cost of the treatment.

**QUESTION:** A British citizen who resided for several years in different EU countries, planned to go back to UK and retire there.

**REPLY:** The citizen was informed that as he is a British citizen, this should not present a problem. However, the UK authorities have introduced the concept of habitual residence in order to be eligible for non-contributory benefits. ‘Habitual residence’ is considered to be ‘the state where the centre of the worker’s interests lie’ and where the worker ‘has the strongest personal connections’. In this case, he may find that it takes some time to re-establish habitual residence in the UK. In order to pass the test HRT, claimants have to establish that they:
1. Are voluntarily in UK; 2. Are resident in UK; 3. Have a settled intention to remain in UK; 4. Have been in UK for an appreciable period of time.
   In his case, he may find that any claim for non-contributory benefits in the UK may be delayed by him having to establish his habitual residence in the UK.

In the last two scenarios, you should make sure you keep all bills, receipts and prescriptions in order to claim, where possible, a refund of your costs from your insurance provider.

Having a **European Health Insurance Card (EHIC)** is advisable. Having the EHIC will simplify and speed up the process of gaining access to medical treatment as well as gaining any reimbursements you may be entitled to. Some countries include this card on the reverse side of your national insurance card. If this is not the case for you, you can get a card from your local social security or health insurance office.

More information on the EHIC on:
http://ec.europa.eu/social/main.jsp?catId=559&langId=en

It may be advisable to take out additional travel insurance in the event that the country you are traveling to does not (fully) cover medical expenses for all EU citizens. In any event, there may be additional costs related to injury or illness while abroad (such as extra accommodation and travel costs) which would only be covered by travel insurance.
**QUESTION:** A UK citizen, semi-retired, self-employed voice teacher and performing artist lived in different EU countries before fixing his resident in Switzerland. He would like to know his rights to live in France and receive income/housing support and about working part time.

**REPLY:** He was informed that as a British citizen, he has the right to live in any Member State of the EU provided he has adequate resources to support himself and comprehensive health cover to avoid becoming a burden of the social security system of the host country. In his case, if he decides to take up residence in France again, the above conditions of residence apply, pursuant to Article 7 of Directive 2004/38 (the Citizenship Directive). His right to income and housing support would not travel with him to France. He would have the right to take up work in France without formality. Once he begins working, provided his work is effective and genuine and not marginal and ancillary, he is entitled to be treated in France as a French worker would be treated. Therefore, if it is the case that French workers receive benefits to supplement their income, he too would be entitled to these supplements. He would not be excluded from such benefits simply by working part time. His entitlements would be the same as other French part time workers. For further information on his rights and entitlements regarding social security in France, he was advised to contact the social security office in the region where he plans to take up residence.

**RESIDENCE**

This chapter will answer the questions of European citizens on the conditions for living, residing and working in another Member State and the rights of the family members.

4. How long can I stay in another Member State?

All EU citizens have the right to reside for up to 3 months within another Member State without the need for any documents or formalities other than having a valid passport or identity card. For this period, the purpose of your visit is irrelevant; whether it is for business, pleasure or study doesn’t matter. This right has been enshrined and clarified in Directive 2004/38.

For stays beyond 3 months, different rules will apply to you depending on the purpose of your stay:

Jobseekers - If you are seeking work, the European Court of Justice (ECJ) has confirmed that you may

**QUESTION:** A Romanian citizen lives in Belgium in a registered partnership with a French citizen. They wanted to move to France and the city hall refused to grant the residence card, since he is a Romanian citizen. He has found some jobs, but he cannot be hired because he does not have a residence card. The citizen was explained that the residence card does not exist for the EU citizens.

**REPLY:** He was advised to register himself to the city hall (Ref.: Directive 2004/38/CE of the European Parliament and of the Conseil of 29 April 2004).

He was also informed that under the French Law the French citizen had the right to be joined by the members of their family [http://vosdroits.service-public.fr/particuliers/F2209.xhtml](http://vosdroits.service-public.fr/particuliers/F2209.xhtml)

He was also made aware that it is important to distinguish between the right to stay and to work. The Romanian and Bulgarian citizens are still subjected to transitional arrangements and they need a work permit to work in France. For more info: [http://ec.europa.eu/eures/main.jsp?acro=free&lang=fr&countryId=FR&fromCountryId=RO&accessing=0&content=1&restrictions=1&step=2](http://ec.europa.eu/eures/main.jsp?acro=free&lang=fr&countryId=FR&fromCountryId=RO&accessing=0&content=1&restrictions=1&step=2)
stay for a further three months provided you continue to seek work and can show you have a real chance of finding it.

Workers - You have the right to live in another EU country, even if you do not work full time on your employment contract as a fixed term.

Self employed - You have the right to live in another EU country if you engage in a stable and continuous economic activity in the country.

Economically inactive persons - You will be considered ‘economically inactive’ if you are a pensioner or a student. You will need to show that you have sufficient resources and comprehensive health insurance cover for the duration of your stay, so as to ensure you do not become a burden on the social security system of your host Member State.

The family members of those falling in one of the above categories also have the right to reside in another Member State – this right derives directly from their relationship with the latter person. More information in question 8 and 9.

**QUESTION: A Dutch national wanted to know if she could establish herself in France and whether there is a similar benefit to the Dutch WWIK (an allowance for young and upcoming artists) in France. EU nationals in Member States other than that of their origin enjoy equal treatment rights in a very broad range of areas. It is important to know that in order to stay in France for more than 3 months a citizen must either work there or have sufficient (financial) means to subsist and health insurance cover.**

**REPLY: The citizen was advised to visit the Your Europe web page on living in other EU Member States for more detailed information.**


As to the benefit available for artists, the citizen was signposted to the web page of “Maison des Artistes” [http://www.lamaisondesartistes.fr/](http://www.lamaisondesartistes.fr/)

5. **Can I stay in another European country without working?**

Every person holding the nationality of a Member State is a citizen of the Union. This status confers on you a primary and individual right to move and reside freely within the territory of the Member States, subject to certain limitations and conditions laid down in Community legislation.

Community legislation provides that Union citizens who are not workers, self-employed persons, job-seekers, students or persons providing services, also have the right to reside in the host Member State for more than 3 months.

However, they have to meet a few conditions and have the right of residence in the host Member State in this capacity provided that:

- They have comprehensive sickness insurance cover there;
- They have sufficient resources not to become a burden on the social assistance system during the residence.

Community legislation does not prevent you to have the right of residence in multiple capacities (e.g. you can be both self-sufficient person and family member of a worker). After five years of continuous and legal residence in the host Member State you are entitled to permanent residence.

The host Member State may require you to register with the relevant authorities.
It is important to remember that your right of residence does not stem from registration of your residence. Your rights are part of your European citizenship rights and are therefore independent of the registration purpose. Therefore, even if you are discovered to have failed to report your presence, you are only liable to proportionate and non-discriminatory sanctions; this means similar sanctions applicable to a national of that state for a comparable failure on their part. You cannot be expelled from the state for mere failure to register with the relevant authorities. Your right of residence may be restricted only on grounds of public policy, public security or public health.

However, please do keep in mind that a proof of registration will most likely be a requirement for being able to carry out certain activities such as opening a bank account and signing a lease for your accommodation. It is therefore a good idea to carry out this registration process.


**QUESTION:** A retired UK citizen lives in Italy. He wanted to pursue his passion of being an artist. He relocated to a different city in Italy and the city hall informed him that he did not have the right of residence, without producing both a contract of employment and salary slips.

**REPLY:** The citizen was informed that having the right of residence, Community legislation provides that he should enjoy equal treatments along with the nationals of the host Member State in all areas covered by Community legislation, unless there is an express derogation. One of the conditions of the right of residence in the host Member State is the condition of having sufficient resources. One is eligible for social assistance in the host Member State as long as one meets the conditions of eligibility for the benefit. More information on:


http://ec.europa.eu/youreurope/nav/it/citizens/living/car/insurance/it/index_en.html

6. Can I stay in another European country as a trainee?

Under the Treaty for the Functioning of European Union and Directive 2004/38, every citizen of the EU has the unconditional right to reside in another member state for up to 3 months. Therefore, a trainee can stay in a country for three months regardless of their employment status.

If the stay exceeds three months, then as stated by the TFEU and directive 2004/38 the individual must be either a worker, self employed or have sufficient resources not to become a burden on the state. A trainee comes under the definition of worker, according to the case law of the ECJ and Council Directive 89/391/EEC. So has the right to reside in another country whilst he is in employment.

7. When moving to another European country, do I need to comply with any administrative formalities?

You (and your family) may be required (depending on host-state policy) to report your presence in the host state within a reasonable time after your arrival if you are planning to stay for a period longer than 3 months. This requirement is mostly in place to assure the relevant authorities that you will comply with the conditions of your right of residence.

Since Directive 2004/38 came into force, residence permits for EU citizens have been suppressed and they are no longer required (subject to any applicable transitional arrangements). Therefore, upon registration of your stay, you will immediately be issued with a residence certificate which will take the place previously held by residence permits. The main effect of this is that the procedure is simplified and shortened. For the registration certificate to be issued, the host Member State may only require
that you present a valid identity card or passport and - a proof of comprehensive sickness insurance cover; and - a proof of sufficient resources. It is now much more clear that your right of residence in your host Member State is not granted by the state itself, but is an extension of your rights as an EU citizen.

8. What rights do members of my family have from my status as a worker in another European country?
As a direct result of your European citizenship (please see question 1), your family members will have the right to accompany you and reside in a host Member State. This is regardless of whether they are EU or third-country nationals (extra formalities are possible, please see question n. 9), or whether they had previously been residing in another Member State or not. Directive 2004/38 elaborates on the above rights and defines family members as:

- your spouse;
- your registered partner, subject to:
  - the partnership having been concluded under the legislation of an EU Member State; and
  - registered partners can only automatically join you in Member States who recognise registered partnerships as equivalent to marriages;
- your (or your registered partner’s or spouse’s) direct descendents (i.e. children, grandchildren, etc.) who are:
  - under 21 years of age; or
  - dependent upon you;
- your dependent direct ascendants (i.e. parents, grandparents, etc.) or those of your registered partner or spouse.

Your host Member State will have no discretion in the recognition of your family members’ rights of

9. What about my family members that are third country nationals. Can they join me in another Member State under the same conditions?
Your family members that are third country nationals will be subject to a number of extra formalities before they can exercise the rights of residence they have derived from you. Most importantly, they will need a valid passport to enter the host Member State. In addition, if they are nationals of a state which is subject to visa obligations from the EU (listed in Regulation EC/539/2001) (http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/14007b_en.htm) of the host Member State itself (i.e. the United Kingdom or Ireland), they will be required to gain an entry visa. Member States are under an obligation to grant every facility to your non-EU family members to allow them to gain their entry visa and it should be granted free of charge, via an accelerated procedure. It is worth noting that, host Member States can only require your non-EU family members to have an entry visa – family or residence visas cannot be required of them. Furthermore, your family members cannot be automatically denied entry if they do not have a valid passport or entry visa (if required) if they are able to prove by any other means that they are your ‘family members’ within the meaning set out in Directive 2004/38/EC (please see question n. 8). When applying for an entry visa, the authorities of the host Member State are only permitted to require your non-EU family members to present a valid passport, proof of family ties with you (e.g. marriage certificate, birth certificate etc.) and proof of dependence where this applies. They cannot require additional documents such as: proof of accommodation, means of subsistence, travel tickets, proof of employment, etc.

As a final note, if your family members are in possession of a valid residence card from any EU Member State, this will exempt them from the entry visa requirement for any of the other Member States.
WORKING
This chapter addresses the right of European citizens to work or study in another European country and the recognition of their professional experience or academic qualification

10. Are my qualifications and professional experience recognised in another European Member State?

The first point to make about qualifications is that a distinction is made between ‘professional’ and ‘academic’ qualifications. Professional qualifications are those that are recognised in order to work in another Member State (other than the one in which they were gained), whilst academic qualifications are those that are recognised in order to continue studying in another Member State.

Professional Qualifications
For a number of professions, a system of automatic recognition exists for which all you will need to provide is evidence that you have obtained the relevant qualifications as stipulated in Directive 2005/36.

Directive 2005/36 also provides a system of automatic recognition of qualifications attested by professional experience in certain industrial, craft and commercial professions. Both the duration and the form (i.e. whether you were self employed or employed) of your experience will be taken into account, in addition to any previous training you have received and the amount of experience required. Chapter II of the Directive lists which professions are covered by this system which includes, for instance, manufacturing, construction, hospitality sectors etc.

**QUESTION:** A Greek citizen with a “diplôme national supérieur d’expression plastique aux beaux-arts de Saint-Etienne (France)” would like to know more about the recognition of diploma. It was explained that the “expression artistique” are not regulated by the law.

**REPLY:** The citizen was advised to contact NARIC: [http://www.enic-naric.net/](http://www.enic-naric.net/).

Academic Qualifications
This category applies should you wish to continue your studies, rather than work, in another Member State. Academic recognition is an area in which individual Member States are purely competent, i.e. the EU has no power to legislate here and recognition is decided by each Member State alone. When deciding whether to recognise your academic qualifications, although the EU has no power to legislate, each Member State must ensure they do not discriminate against you on grounds of your nationality. For more information you should consult the Network of National Academic Recognition Information Centres (NARIC) at: [http://www.enic-naric.net/](http://www.enic-naric.net/)

11. I don’t fall into any of these categories. Can I still have my qualifications recognised in order to work in another Member State?

Additionally, Directive 2005/36 provides a general system of recognition that applies to professions not covered by the systems of automatic recognition. The system is based upon ‘mutual recognition’, which means a host Member State must acknowledge and recognise your qualification that is equivalent to the same national diploma. Should there be substantial differences between the training acquired by you, and the training required in the host Member State, it (the host Member State) can impose compensatory measures. Should compensatory measures be required, it will be for you to choose between an aptitude test and an adaptation period to satisfy the Member States’ additional require-

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1 According to Chapter III of the Directive, the following professions will be subject to automatic recognition: architects, doctors, nurses, responsible for general care, dental practitioners, veterinary, surgeons, midwives, pharmacists.

**QUESTION:** A Romanian citizen, graduated from the Academy of Arts in Bucharest, married to an Italian citizen would like to have her qualification as a teacher of painting recognised in Italy. She passed through several steps to have her qualification recognised and she wondered why the procedure takes so long.

**REPLY:** The citizen may rely on Directive 2005/36/EC (http://europa.eu/legislation_summaries/internal_market/living_and_working_in_the_internal_market/c11065_en.htm) regarding the recognition of professional qualifications. This directive applies to all residents of the Member States that wish to exercise a regulated profession in a member state other than the one in which he obtained the professional qualification. Directive of the Council 2006/100/EC of 20 November 2006 modifies and adapts the above-mentioned directive by reason of the accession of Romania to EU. In Italy both the Directive 2005/36/EC and Directive 2006/100/EC were transposed by the Legal Decree no. 206 of 6 November 2007 (http://www.parlamento.it/leggi/deleghe/07206dl.htm). In this citizen’s case, regarding the general professional category of teachers, including the specific category of painting teacher (the equivalent in Italy is “docente negli istituti di formazione superiore artistica e musicale – Accademie di Belle Arti”), applies the general system of recognition as provided by the Chapter I of the Directive 2005/36/EC; the recognition of this professional title in Italy is of the competence of the Italian Ministry of Education, where the citizen should apply for recognition. If the examination of the recognition application outcome is significantly different between the citizens Romanian qualifications and that one required by Italy, there may be a need to apply compensation measures which can consist of a vocational training period or in an aptitude test. A decision regarding recognition needs to be adopted in a 3-month period, in case of failure of a reply within the specified period, the citizen can file for appeal with the competent Italian judicial authorities. More information on “Your Europe” website: http://ec.europa.eu/youreurope/citizens/education/index_en.htm

It should be noted that if your qualification has been obtained in a non-EU country, Member States are not obliged to recognise it. This is so, even if one Member State has recognised your ‘non-EU qualification’. However, should one Member State recognise your ‘non-EU qualification’ and allow you to work there, if you apply to work in a further Member State, the latter is obligated to recognise the experience gained in the initial Member State. Generally speaking, you should not be treated differently from nationals of a host Member State when accessing a job or once you have obtained such a job. However, it is important to be aware that there are some exceptions, or ‘derogations’, to this general rule.

In relation to accessing a job, Member States are free to restrict certain public sector jobs to their own nationals. This could quite clearly affect your access to such a post, although the European Court of Justice has interpreted the law narrowly, meaning the number of jobs which can be restricted are very few. According to the ECJ6 only jobs that are ‘designed to safeguard the general interest of the State or of other public authorities’ may be restricted. The Court has stated that ‘to make a list of these jobs would be impossible, but examples would include posts relating to policing, defence of the State, the administration of justice (i.e. the judiciary) and tax authorities’7. It is likely that jobs such as nursing and teaching would not be considered within this, and so your access to them should not be hindered. More information on: http://ec.europa.eu/social/main.jsp?catId=465&langId=en

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7 C-307/84 Commission v France [1986] ECR 1725
12. As a worker, what happens to my unemployment rights if I lose my job in the host European country?

As a migrant worker, if you lose your job in another Member State other than your state of origin, you have two choices. You can choose to remain in your state of residence or you can return to your home state.

If you choose to remain in your State of residence, you will be registered as a jobseeker there. As a general rule, you will be considered as a resident of your host state and you will therefore be eligible to unemployment benefits there, under the same conditions as nationals of that state. Therefore, you will not have to abide by the six month limitation period on how long you can stay in another Member State as a jobseeker.

If you choose to return to your country of origin, you must first make sure that you are still considered as a resident of that state despite your absence while you were working abroad. If you are still considered as a resident there, you will be able to return, register as a jobseeker and claim unemployment benefits there.

If you are a cross-border worker and you become unemployed, you will only be able to claim benefits from the state in which you live. However, you will be able to register as a jobseeker in the country where you were formerly employed. More information on: http://ec.europa.eu/youreurope/citizens/work/cross-border-worker/social-security/index_en.htm

For more information on how to claim unemployment benefits that you have contributed to in another Member State and other issues relating to job-seeking, please see: http://ec.europa.eu/youreurope/citizens/work/jobseeker/index_en.htm?profile=0

Please also be aware that you will of course also be entitled to unemployment benefits if you lose your job while working in your state of origin. This is governed by the relevant national laws of your home state.

13. As a self-employed person or service provider, can I provide cross border services, and/or receive such services, without having to permanently move to another European Member State?

The freedom to provide and receive cross border services is one of the ‘fundamental freedoms’ provided by the Lisbon Treaty. It rests upon the principle that an economic operator, providing services in one Member State, should be able to provide these same services on a temporary basis in another, without the need to be based there permanently. For example, those in the artistic field, such as a theatre company.

The Services Directive, has recently been adopted to complement the provisions provided in the Treaty. It has created a legal framework for ensuring that you, as either a service provider or a service receiver, are guaranteed to be able to provide and receive a cross border service. It obliges each Member State to cut red tape, increase transparency for service providers and receivers, and eliminate unjustified or disproportionate requirements.

More specifically, it enables you, as a service provider, the freedom of access to the service activity and freedom to provide that activity throughout the territory of another Member State. As a receiver, it affirms your right to use the services of other Member States, and establishes your right to obtain information on the rules applicable to providers, whatever their location may be, and on the services offered by the providers. In relation to administrative obligations, the Directive has simplified the process for you by setting up ‘points of single contact’, where you may complete all the necessary formalities to fulfil a variety of duties.
It should be noted that some professions are not covered by the Directive. More information on: http://europa.eu/legislation_summaries/employment_and_social_policy/job_creation_measures/l33237_en.htm and/or http://ec.europa.eu/internal_market/services/services-dir/index_en.htm

**QUESTION:** A citizen lives in Germany and he has an agency for artists with several employees. He would like to open a branch in Portugal but the Portuguese authorities are obliging him to open another company. He would like to know about his rights.

**REPLY:** The citizen was explained to that the Article 49 of the TFEU Treaty guarantees the freedom of establishment and equal treatment. He may only be obliged to a determined way to open his company in case the Portuguese citizens are also bound to it. The citizen could also contact SOLVIT network created for the resolution of conflicts between citizens and the public administration within the EU internal market. Website: http://ec.europa.eu/solvit/site/index_pt.htm

In case he is facing problems relating to the Ministry of Economy he can write directly to the Minister: Gabinetes do Ministério da Economia e da Inovação Web www.min-economia.pt; Minister of State and Finances: www.min-financas.pt. He could also contact the Direcção Geral dos Assuntos Consulares e Comunidades Portuguesas (DGACCP) and do IAPMEI. Website http://www.secomunidades.pt; IAPMEI - Instituto da Empresa http://www.iapmei.pt/iapmei-loc-01.php

**QUESTION:** A Bulgarian citizen is a painter and would like to establish himself in Paris. He would like to know what are the conditions and requirements to exercise a liberal profession in France.

**REPLY:** The limitations to the French labour market for Bulgarian citizens concern only employed workers. They do not apply to self-employed persons. The citizen does not need therefore a work permit in order to exercise his profession in France. He was informed to register as a person exercising a liberal profession in France, according to French laws. More specifically, he should submit a declaration at his respective regional tax office. It will be passed to the Statistical Institute INSEE and then he will be granted a SIREN number and an APE code. On that basis, he would be able to pay his social security contributions. Being self-employed allows staying for more than 3 months in France and he can apply for a French longterm residence document.


The consular office at the French Embassy in Sofia can provide with advise on the registration procedure, as well as on residence right in France:

Website: http://www.ambafrance-bg.org/

In addition, the “Chamber of Commerce and Industry” active in the locality or region where the citizen resides can inform on the procedure of registration of either of the two types of activity.
TAXATION AND SOCIAL SECURITY

This Chapter will address some of the difficulties linked to double taxation, value added tax and social security which artists encounter in their daily activity when mobile inside Europe.

14. If I work in another Member State, where would I be expected to pay my income tax?

The rules regarding taxation differ depending on whether you are a migrant worker or a cross-border worker. These will therefore be dealt with separately below.

Migrant workers

Each Member State has its own rules regarding taxation, there is not an EU legal framework regarding to this issue. Therefore, you must abide by the rules of your host state. As a general rule, workers are taxed in the country where they reside when having conducted work in another country.

The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein.

**QUESTION:** A UK citizen works as an art-painter in Portugal. He works also with several art galleries and design studios in London. He asked where to pay taxes.

**REPLY:** The citizen was informed that, in what concerns income taxation, it is important to bear in mind the Convention on double taxation signed between Portugal and the United Kingdom which defines fiscal in Article 4 Residence. The article states that the taxes should be paid in the country the person resides in. It allows, that if an individual is a resident in two States then his status will rely on a number of other factors (see Article 4 2(a)(b)(c)(d)). Convention at the “Portal das Comunidades portuguesas”:


He was also informed that, in what concerns TVA, he should fulfil the formalities according to the legislation of the country where the business is made: Portugal or the United Kingdom. If he sells in the UK objects that belong to that country he will be subject to the TVA legislation in that country. If he exports from Portugal to the UK he should fulfil the obligations foreseen by the Portuguese TVA.

Salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefore may be taxed in that other State.

Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State.

You must be aware, however, that where your income is taxed depending on national law and any bilateral agreements between your home and host states. Therefore, the above general rules might not hold true for your particular case. More information on:


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8 Art. 7 of the OECD Model Tax Convention on Income and on Capital with respect to taxes on income and on capital.
9 Art. 15, OECD Model Convention; Exceptions are foreseen in par. 2 of the article: the recipient is present in other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned; the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State; the remuneration is not borne by a permanent establishment which the employer has in the other State.
10 Art. 12, OECD Model Convention.
Cross-border workers

Again, there is not EU harmonisation of measures in this area of taxation. The rules depend solely on the bilateral agreements between your country of residence and your country of employment. There may be special agreements regarding cross-border workers or you may simply be seen as a type of migrant worker. According to the bilateral agreements in force, you may be taxed by your country of residence, your country of employment or indeed both! In the latter case, your country of residence may grant you some tax breaks to account for the taxes you pay in your state of employment; however, this may not fully cover the extent of the double taxation.

Some bilateral agreements deal with these discrepancies by granting the cross-border worker fictitious residence status in the country of employment, thus allowing his income to be taxed there. At the same time, this means that the cross-border worker would be eligible for any tax breaks given by the country of employment, even if this refers to activities undertaken in the country of residence (for example, tax breaks from the country of employment for childcare paid for in the country of residence).

More information on:

15. If I work in another European State, where would I be expected to pay the VAT?

The Value Added Tax (VAT)\(^1\) is applicable to the supply of goods or services affected for a consideration within the territory of the country by a taxable person acting as such and to the importation of goods.

The following territories of individual Member States are excluded from the scope of the Directive:
- the island of Helgoland and the territory of Büsingen (Germany);
- Greenland (Denmark);
- Livigno, Campione d'Italia, the Italian waters of Lake Lugano (Italy).

For VAT purpose, a person is any individual, partnership, company or whatever who independently carries out in any place one of the following economic activities, whatever the purpose or results: the activities of producers, traders and persons supplying services, including mining and agricultural activities and activities of the professions. The word "independently" excludes employed and other persons from the tax in so far as they are bound to an employer by contract of employment or by any other legal ties creating the relationship of employer and employee.

States, regional and local government authorities and other bodies governed by public law are not considered taxable persons in respect of the activities or transactions in which they engage as public authorities, except where their not being taxable would lead to distortions of competition of a certain magnitude. However, if the annual turnover of a taxable person is less than a certain limit (the threshold), which differs according to the Member State, the person does not have to charge VAT on their sales.

The VAT due on any sale is a percentage of the sale price but from this the taxable person is entitled to deduct all the tax already paid at the preceding stage. Therefore, double taxation is avoided and tax is paid only on the value added at each stage of production and distribution. In this way, as the final price of the product is equal to the sum of the values added at each preceding stage, the final VAT paid is made up of the sum of the VAT paid at each stage.

Registered VAT traders are given a number and have to show the VAT charged to customers on invoices. In this way, the customer, if he is a registered trader, knows how much he can deduct in turn.

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and the consumer knows how much tax he has paid on the final product. In this way the correct VAT is paid in stages and to a degree the system is self-policing.

The system operates as follows:

VAT on services is paid at the place where the service has been supplied. This will most often, but not always, be where the service supplier is established. The trader will in those cases account for VAT on his services in the Member State where he is established, applying the VAT rate of that country. Depending on the nature of the service, VAT may need to be paid in another Member State than that where the supplier is established. This is for example the case with services connected to immovable property; transport of passengers or goods; cultural, artistic, sporting, scientific, educational, and entertainment services. More information on:

http://ec.europa.eu/taxation_customs/taxation/vat/how_vat_works/vat_on_services/index_en.htm

16. Which social security system am I affiliated with when I move within the European Union?

Firstly, it is important to note that Regulation 833/2004/EC has come into force in May 2010 thus establishing new rules on the coordination of social security systems within the EU. As a result, the previously used system of E-forms is currently being phased out. Furthermore, different rules apply depending on whether you are a:

- Migrant worker – you are residing and working in a state other than your own;
- Cross-border worker – you are retraining residence in one state but you commute to work in another Member State.

Migrant workers

If you are a migrant worker, you (and your family and dependents) will be covered by the social security system of the state where you are now working. Therefore, the state’s own laws determine your eligibility to benefits relating to sickness, maternity, invalidity, old age, your survivors, accidents at work, occupational diseases, death grants, unemployment and family. Therefore, it is important to be aware that the social security systems differ vastly within the Union. For more information, please visit the following webpage:


Cross-border workers

As a cross border worker, you will be entitled to be covered by health insurance schemes in both your country of residence and your country of employment, therefore being in possession of two cards. Your family members will however only be covered by health insurance schemes in your country of residence and can only receive treatment in your country of employment under special circumstances.

Regarding child benefits in cases where one parent is a cross-border worker and the other parent is not, the latter parent will be entitled to receive family benefits from the country of residence of the family. If the cross-border working parents’ country of employment pays out family benefits at a higher level than the country of residence, this parent will be entitled to receive the difference between the two levels. Therefore, effectively, you will be entitled to the highest level of benefits of the two states, with both states sharing in the responsibility of the payments.

More information on:


Please be aware that once the relevant legislation has been applied establishing which state’s social security system you are affiliated to, this state must apply the same rules to you as it would to its own nationals.
QUESTION: A Hungarian musician lives in Germany. He plays in an orchestra and teaches in a school. He is insured with AOK (a sickness insurance fund for non-nationals). Then he found out that in Germany particular taxation rules apply to artists, therefore it is much better to be insured by Künstlersozialkasse (sickness insurance fund for artists). He asked AOK to transfer his dossier to Künstlersozialkasse, but this institution refused to insure the citizen.

REPLY: According to coordination rules, everyone is principally insured in the country of employment. According to non-discrimination principle, the citizen’s application for sickness insurance may not be rejected for the sole reason that he is not a national of Germany. For more information: http://ec.europa.eu/youreurope/nav/it/citizens/working/social-security/equal-treatment/index_en.html

In Germany special social security rules apply to artists. These rules are laid down in Artists Social Insurance Act (Künstlersozialversicherungsgesetz). He was informed about the website of the Ministry of Employment and Social Security.

http://www.bmas.de/coremedia/generator/9242/kuenstlersozialversicherung.html

More details on the website of the Ministry of Health:

As employees fall under the compulsory sickness insurance scheme, he was informed that he cannot be left without insurance.

To solve this conflict of jurisdiction between the national sickness insurance funds, he was advised to inform the competent ministries about his problem.

Bundesministerium für Arbeit und Soziales (BMAS) (Federal Ministry of Employment and Social Security) http://www.bmas.de/coremedia/generator/16748/kontakt.html

Bundesministerium für Gesundheit (BMG) (Federal Ministry of Health)
http://www.bmg.bund.de/cln_040/nn_600110/DE/Service/Kontakt/kontakt_node.param=.html=1_nnn=true

The citizen could also contact the SOLVIT which can help him in solving the problem within short time.

http://ec.europa.eu/solvit/site/index_en.htm

QUESTION: An Italian Artist leaves in France. He is «technicien du son». His fiancé, who is pregnant, will join him in France. He asks information about their social security rights.

REPLY: To know the rules applicable in France to the called "les intermittents du spectacle" the citizen was also advised to visit the following sites:

http://eosdroits.service-public.fr/pme/N17154.xhtml
http://droitdelaculture.over-blog.com/categorie-243215.html
http://www.culture.gouv.fr/culture/actualites/politique/intermittents/index-intermittents.htm

17. I am due to retire. Where can I claim my old-age pension?

Firstly, it should be noted that you can only apply for your old age pension from the Member State where you now live once you have reached the legal retirement age in that specific Member State. Should you have pension rights from other Member States (i.e. because you have worked there and made pension contributions), these can only be claimed once you have reached the legal retirement age in each of those other Member States.
Having reached the legal retirement age in your current host Member State, the normal procedure would be for you to apply for your pension there. It is your current host Member State that will be responsible for processing your claim and bringing together records of pension contributions from all the Member States you have lived in. If you have worked in more than one Member State, you will have accumulated pension rights in each of these, which is what now needs to be brought together. If you have not worked in the Member State where you now live, your application (which you should receive a few months prior to you reaching that Member State’s legal retirement age) will be sent to the relevant authority in the Member State in which you last worked. This authority will then process your application.

**QUESTION:** The citizen is a plastic artist and writer and she is already retired. She lives in Portugal and received her pension from Portugal, Germany and UK. She would like to live in Germany and start voluntary work and artistic studies and live there part time as well as in Portugal. She asked about the social security.

**REPLY:** She was informed that before leaving she should advise her social security institution about her plan to live in Germany. She should therefore contact the relevant social security institution at least 2-4 weeks beforehand so that she can complete the necessary formalities, in order to:

- Clarify what are her and her family members’ rights if she goes and lives in another EU country: clarify whether she and her family members will keep entitlement to certain benefits/allowances (not all benefits are exportable)
- Notify them that she is leaving and, if possible, give her new address in the host country
- In order to cover, while abroad, sickness, unemployment benefits, disability benefits, retirement allocations and other rights that she may have and that are exportable, obtain from her social security institution all necessary and relevant forms and/or the European Health Insurance Card.

**Social security in Portugal:** [http://www2.sseg-social.pt/](http://www2.sseg-social.pt/)

Her old pension will be paid to her independently of the EU or EEA country she is residing or staying at without any change, reduction or suspension. She should be also entitled to healthcare treatment in that Member State (in her case Germany).

**COPYRIGHT**

18. Is the EU legislation protecting copyright?

Copyright and related rights provide an incentive for the creation of and investment in new works and other protected matter (music, films, print media, software, performances, broadcasts, etc.) and their exploitation, thereby contributing to improved competitiveness, employment and innovation. There has been significant harmonisation of the substantive copyright law to reduce barriers to trade and to adjust the framework to new forms of exploitation.

The Directive[^12] on the enforcement of intellectual property rights such as copyright and related rights, trademarks, designs or patents was adopted in April 2004. The Directive requires all Member States to apply effective, dissuasive and proportionate remedies and penalties against those engaged in counterfeiting and piracy and so creates a level playing field for right holders in the EU. It means that all Member States will have a similar set of measures, procedures and remedies available for right holders to defend their intellectual property rights (be they copyright or related rights, trademarks, patents, designs, etc) if they are infringed.


**QUESTION:** The citizen is interested in exhibiting artwork including German photographs taken at the beginning of the century. She asked about copyrights issues relating to the Directive on harmonizing copyright protection in Member States.

**REPLY:** The citizen was then informed that this is a matter of German law and how the Directive was implemented in Germany with regard to the KUG law. To obtain clarification, the citizen was recommended to check with the Federal Ministry of Justice - Unit Copyright and Publishing Law in Germany.

Web site address: http://www.bmj.bund.de

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**PROGRAMMES ON MOBILITY FOR EDUCATION, TRAINING AND RESEARCH WITHIN THE EU**

This chapter provides an overview of the programmes at EU level which encourage and develop the mobility in education, training and research.

19. What opportunities does the EU offer for education, training and research in another Member State?

There are a number of EU programmes designed to develop mobility in education, training and research. It should be noted that these programmes are addressed to organisations (e.g. universities, training institutes, youth centres, etc), rather than individuals directly.

They include:

- **Lifelong Learning Programme**
  All educational and training initiatives come under the single umbrella title ‘Lifelong Learning Programme’, which is designed to enable individuals at all stages of their lives to pursue learning opportunities across Europe. The best known sub-programme is **Erasmus**, which provides funding to student, teachers and other staff involved in higher education to carry out part of their studies in another Member State.
  The other sub-programmes are known as **Comenius**, which promotes exchanges and co-operation between schools within different Member States; **Leonardo da Vinci**, which supports the teaching and training needs of people involved with vocational education and training; and finally **Grundtvig**, which is aimed at improving all aspects of adult learning.

- **Youth in Action Programme**
  Aimed at young people aged between 15 and 28, this programme promotes mobility within and beyond EU borders. It succeeds the Youth Programme that ran successfully from 2000 – 2006.

- **European Voluntary Service**
  This scheme enables young Europeans, aged between 18 and 30, to experience both living and working in another Member State. Work may be unpaid and full time and can span a wide range of areas, including culture, youth, sports etc.
SOURCE TO HELP ME?

In recent years the European Union has set up difference services to make Europe easier and to help citizens with advice on their life, work and travel in the European Union. The following chapter gives an overview of these services.

20. Which service could help me?

The European Commission has recently created a valuable source of information, the Your Europe Portal, which provides help and advice on your life, work and travel in the EU. It can be accessed at: http://ec.europa.eu/youreurope/citizens/index_en.htm

To obtain general information about your Community law rights, you can also contact Europe Direct. It can provide you with general information in any of the official EU languages and answer your questions on any European Union policy. Additionally, it can provide practical information and contact details of relevant organisations that you may need to correspond with. Europe Direct can be found at: http://ec.europa.eu/europedirect/index_en.htm

Or, alternatively, you can use the free phone number: 00 800 67 89 10 11

The Your Europe Advice (YEA) is another service available for the public. It offers specific and tailored information and advice on your rights under the internal market rules, as well as signposting, where appropriate, to an authority or other such relevant body. YEA comprises a team of some 50 lawyers who cover all EU languages. They handle the questions within a week. More information can be found at: http://ec.europa.eu/citizensrights/front_end/index_en.htm

Your Europe Advice works closely with SOLVIT. SOLVIT is an on-line problem solving network in which EU Member States work together to solve without legal proceedings problems caused by the misapplication of Internal Market law by public authorities. There is a SOLVIT centre in every EU Member State (as well as in Norway, Iceland and Liechtenstein). SOLVIT Centres can help with handling complaints from both citizens and businesses. They are part of the national administration and are committed to providing real solution to problems within ten weeks. SOLVIT can be found, and complaints can be submitted, at: http://ec.europa.eu/solvit/site/index_en.htm

On the Move (OTM) aims to facilitate cross-border mobility in the arts and culture sector contributing to build up a vibrant European shared cultural space strongly connected worldwide.

More information on: www.on-the-move.org

PRACTICS - See Mobile See Practical is a 3-year project with the aim to facilitate the provision of information about EU cross-border mobility in the cultural sector.

More information on: www.practics.org

The project develops 4 PRACTICS Infopoints offering relevant and user-friendly information to foreign cultural workers who want to work in the countries in which the PRACTICS Infopoints are based and national cultural workers who want to work in another EU-country. The 4 Infopoints are:

- Het Kunstenloket (Belgium) www.kunstenloket.be/
- Stichting Internationale Culturele Activiteiten SICA (Netherlands) www.sica.nl
- The Arts Council of Wales (Wales) www.wai.org.uk
- Fundació Interarts per a la Cooperació Cultural Internacional (Spain) www.interarts.net
Glossary

**COPYRIGHT:** Copyright is a set of exclusive rights granted by the law of a jurisdiction to the author or creator of an original work, including the right to copy, distribute and adapt the work.

**CROSS BORDER WORKER:** Cross-border worker is a person who work in one EU Member State but live in another.

**EU8:** Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

**EU12:** Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia.

**EU25:** Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

**EU 27, MEMBER STATES:** Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

**EURO:** The euro (€) is the official currency of the eurozone: 16 of the 27 Member States of the EU. The euro was introduced to world financial markets as an accounting currency on 1 January 1999. Euro coins and banknotes entered circulation on 1 January 2002. In 2011 Estonia joined the Eurozone.

**EUROPEAN ECONOMIC AREA (EEA):** The EEA unites the 27 EU Member States and the three EEA EFTA States (Iceland, Liechtenstein, and Norway).

**EUROZONE:** Austria, Belgium, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, The Netherlands, Portugal, Slovakia, Slovenia, Spain, Estonia.

**INTELLECTUAL PROPERTY RIGHT:** The term intellectual property refers to the creations of the human mind. Intellectual property rights protect the interests of creators by giving them property rights over their creations. In the culture sector the following subject matters are protected by intellectual property rights (open list): literary, artistic and scientific works, performances of performing artists, phonogrammes, and broadcasts

**LISBON TREATY:** The Lisbon Treaty is an international agreement that amends the treaties establishing the constitutional basis of the EU. It was signed by the EU Member States on the 13 December 2007, and entered into force on 1st December 2009. It amends the Treaty on the European Union (TEU, also known as the Treaty of Maastricht) and the Treaty establishing the European Community (TEC, also known as the Treaty of Rome), renamed Treaty on the Functioning of the European Union (TFEU).

**MIGRANT WORKER:** The term migrant worker refers to a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

**SCHENGEN AREA/SCHENGEN RULES:** The Schengen Area comprises the territories of 25 European countries that have implemented the Schengen Agreement signed in the town of Schengen, Luxembourg, in 1985. The Schengen Area operates very much like a single state for international travel purposes with border controls for travellers travelling in and out of the area, but with no internal border controls. The Schengen rules were absorbed into EU law by the Amsterdam Treaty in 1999, although the area officially includes three non-EU member states, Iceland, Norway, Switzerland, and de facto includes three European micro-states, Monaco, San Marino, and Vatican City. All but two EU members states - Ireland and the United Kingdom - are required to implement Schengen and, with the exceptions of Bulgaria, Cyprus, and Romania have already done so.

**SOCIAL SECURITY:** Social security is primarily a social insurance program providing social protection, or protection against socially recognized conditions, including poverty, old age, disability, unemployment and others. Social security may...
refer to:

- social insurance, where people receive benefits or services in recognition of contributions to an insurance scheme. These services typically include provision for retirement pensions, disability insurance, survivor benefits and unemployment insurance.
- income maintenance - mainly the distribution of cash in the event of interruption of employment, including retirement, disability and unemployment
- services provided by administrations responsible for social security. In different countries this may include medical care, aspects of social work and even industrial relations.

More rarely, the term is also used to refer to basic security, a term roughly equivalent to access to basic necessities - things such as food, clothing, shelter, education, money, and medical care.

THIRD COUNTRY: The term means a country that is not a member of the EU.

THIRD COUNTRY NATIONAL: Third country national is a citizen of a country that is not a member of the EU.

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