

## Newsflash

1 July 2008

### Employment, Social Security and Immigration Law

#### EU employers able to second foreign employees to Belgium more easily

It has become easier for companies, which are established in another EU Member State, to second foreign employees (i.e. employees who do not have the citizenship of one of the EU Member States) to Belgium for a temporary assignment.

Take, for example, a Moroccan employee, who is living in France and who is employed by a French construction company at a site situated in Belgium. A Belgian work permit is usually necessary except if this employee fulfils the following conditions, in which case, he can temporarily work in Belgium without a work permit:

- He has a French residence permit valid for more than three months
- He has a French work permit covering at least the period of his activities in Belgium
- He has a local employment contract in France
- He has been working for the French company for at least six months
- His residence permit is valid for at three months after the end of the activities in Belgium

Under the influence of the European Commission, the federal government has now decided to drop the fourth condition and to amend the fifth condition. As a result, the French employer will be able to immediately second the Moroccan employee to Belgium once he is hired in France. At the same time the employee's Moroccan passport and French residence permit only need to be valid for the duration of the activities in Belgium, just like his work permit in France.

This modification has become effective as from 20 May 2008.

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