

People and Organisation Newsflash



Visa&Immigration - Extension of stays with Schengen visas; changes of the EU reporting requirements in Sweden

Until now, the COVID-19 emergency situation has allowed third-country nationals who entered Germany on or after 17 March 2020 with a Schengen visa to extend their stay until 30 June 2020. This deadline has now been extended again until 30 September 2020.

Extended stays in Germany for holders of C-type visas allowed until 30 September 2020

In our previous PwC People&Organisation Newsflash (issue 24) we already outlined the decision to extend the temporary exemption of holders of expiring Schengen visas due to the COVID 19 pandemic (*2. Schengen-COVID-19-Pandemie-Verordnung – 2. Schengen-COVID-19-V*). According to this decision (*Beschluss*), the extension period initially only applied until 30 July 2020.

However, the return of Schengen visa holders to their respective home countries is still severely restricted and only allows these persons to return to their home countries in some cases. In addition, the infection rates are rising in many other countries around the world, while in some EU Member States the figures are decreasing or remaining stable. Also, many immigration offices in Germany have not yet fully restored their operations and will continue to insist on reducing contact in the near future.

In view of the increased risks when returning to the home country, the Federal Council has approved the corresponding emergency ordinance, which extends the exemption for holders of Schengen visas until 30 September 2020.

The draft bill of 14 May, which initially suggested the extension only until 31 July, is therefore no longer valid. That means that holders of Schengen visas (type C),

- who entered Germany from 17 March 2020,
- or who entered the Federal territory with a valid Schengen visa after 17 March 2020 and until the new regulation comes into force
- and who are each staying in Germany on 30 June 2020,

are exempted from the residence permit requirement from 1 July 2020 until 30 September 2020.

Changes in Sweden: Registration requirement from 30 July 2020 from day 1 and other updates

Assignments and, in some cases, business trips to EU/EEA countries and Switzerland are generally subject to reporting requirements and must therefore be reported to the relevant authorities in the host country before the assignment begins. Under the EU Posting of Workers Directive 2018/957, which all EU member states must incorporate into national law by 30 July 2020, the posted employee will be subject to the labour law provisions applicable in the host country after 12 months, or in individual cases after 18 months, in accordance with the principle of 'equal pay for equal work at the same place'.

The implementation of the above-mentioned directive is now prompting some EU countries to amend the existing regulations on reporting requirements as well. In Sweden, for example, the threshold of 5 days was previously applied, which means that a posting or a notifiable assignment of up to 5 days did not have to be reported. This will change from 30 July 2020 and the reporting obligation will apply accordingly from day 1 for activities subject to reporting.

In addition, the employer is obliged to submit to the host company the notification that he has submitted electronically to the competent authority. If this is not the case, the host company must report this to the Swedish Work Environment Authority. Further changes and the current status were published on the Swedish Work Environment Authority's [website](#) on 16 June.

PwC will keep you informed about this and other current issues. Further useful information and practical advice can be found in the practice book 'Expats in Germany - Inbound and Outbound'. The book can be ordered under the following link: <https://www.degruyter.com/view/product/447701>

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