

NEWSLETTER

No work and residence permit needed for assembly work in Serbia



Author: Marta Luković, Junior Lawyer

Employment of foreigners and obtaining a unified permit for their work and residence in the Republic of Serbia is regulated by the Law on Foreigners and the Law on Employment of Foreigners.

In addition to the procedure for obtaining a unified permit for the employment of foreigners, the Law on Employment of Foreigners prescribes exceptions to the obligation to obtain it. In the following, we single out one of the exceptions that causes the most attention in practice.

ARE FOREIGN CONTRACTORS IN THE REPUBLIC OF SERBIA REQUIRED TO OBTAIN A UNIFIED PERMIT?

A foreigner whose stay in the Republic of Serbia does not last longer than 90 days in a period of 180 days counting from the day of first entry, i.e. longer than the stipulated period of stay in accordance with the international agreement, exercises the right to work in the Republic of Serbia during the specified period without a unified work and residence permit being issued:

- an assigned person who performs work in the Republic of Serbia on the basis of a contract for the purchase of goods, the purchase or rental of machines or equipment, their delivery, installation, assembly, repair or training for working on these machines or equipment.

In addition to the prescribed exception from the obligation to obtain a unified work and residence permit, the obligation of the domestic business entity to apply all prescribed

safety and health measures at work is not excluded, regardless of the period of stay of the foreigner and his status as an authorized person.

WHAT IF, AS AN EMPLOYER, YOU ARE NOT CERTAIN THAT THE WORK WILL BE CARRIED OUT WITHIN 90 DAYS?

If there are indications that the work performed by foreigners will last longer than 90 days in a 180-day period, the advice is to obtain a unified work and residence permit for those foreigners in any case. In this way, foreign employers will without doubt be in compliance with legal obligations in the Republic of Serbia. In this way they will avoid stressful situations in the event of unplanned complications that lead to the extension of stay and work, but also going before the judge for misdemeanours and paying fines.

HOW TO OBTAIN A UNIFIED WORK AND RESIDENCE PERMIT FOR FOREIGNERS WHO ARE SENT TO PERFORM WORK IN THE REPUBLIC OF SERBIA?

A unified work and residence permit for this group of foreigners can be obtained in two ways:

1. the foreign employer will assign them to work in the Republic of Serbia with the domestic employer, based on the applicable contract
2. employer will assign the foreigner to work in the Republic of Serbia in an associated company - a company / branch in the Republic of Serbia whose founder is the foreign employer.

WHAT ARE THE SANCTIONS?

In the case of exceeding the stay of 90 days in a period of 180 days in the Republic of

Serbia, the above-mentioned foreigners will be responsible of a misdemeanour and their stay will become illegal. In that situation, if foreigners leave the country, and then try to come back, they can be stopped at the border and be banned from entering in Republic of Serbia for next 90 days. In case of non-compliance with the provisions of the Law on Foreigners and the Law on Employment of Foreigners, the sanctions are as follows:

- for an employer who employs a foreigner contrary to the provisions of the Law – a fine in the amount of RSD 800,000 to RSD 2,000,000 (approx. from EUR 6,800 to EUR 17,000), and a protective measure of prohibiting the performance of certain business for a period from six months up to one year
- for a responsible person at the employer (e.g. director) – a fine from RSD 20,000 to RSD 150,000 (approx. from EUR 170 to EUR 1,280)
- foreigner – a fine from 15,000 RSD to 150,000 RSD (approx. from 130 EUR to 1,280 EUR).

Our law office provides services for obtaining a unified work and residence permit for foreigners, and for more information you can contact us at: marta.lukovic@tsg.rs or office@tsg.rs.

If you are interested in other changes to the Law on Foreigners and the Law on Employment of Foreigners, you can also read our Newsletter 131 **“WHAT DO THE ANNOUNCED CHANGES TO THE LAW ON RESIDENCE AND EMPLOYMENT OF FOREIGNERS IN THE REPUBLIC OF SERBIA ACTUALLY MEAN?”**.