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Date: 10/05/2022 17:48:35
Subject: Your Europe Advice enquiry 364465
To: anon@mail.at

Dear Sir/Madam,

Please find below the reply to your enquiry. Please note that the advice given by Your Europe Advice is an independent advice and cannot be considered to be the opinion of the European Commission, of any other EU institution or its staff nor will this advice be binding upon the European Commission, any other EU or national institution.

Thank you for contacting Your Europe Advice.

We understand that you are asking whether a UK national who is not a beneficiary of the Withdrawal Agreement is entitled to work for a UK-based employer while staying in Austria for a period not exceeding 90 days.

As you know, UK nationals are entitled to stay up to 90 days in the EU without the need for a visa.

This does not entitle a person to engage in work during this time.

In general, this means that engaging in work during the 90-day visa-exempt period would require a work permit.

However, certain business-related activities are permitted during this period such as:

- attending internal and external business meetings (without performing any services);
- attending interviews, trade fairs, conferences and seminars;
- conducting site visits and other urgent "task force" activities.

Please note that the above activities are not explicitly listed but would be covered by the general notion of business activities in respect of the issuance of a Schengen visa to non-EU nationals who are required to obtain a visa for a short stay.

As a consequence of the Brexit, special rules apply to business visitors from the UK, so that they can perform additional activities without the need for a visa:

- negotiating business deals, including sales, purchasing and commercial transactions;
- exploring business leads;
- attending training seminars

Therefore, a person may undertake the above activities without the need for a work permit provided that the following conditions are met:

- the UK national is employed by a UK-based company or, alternatively, the UK national is registered as a self-employed person in the UK;
 - the UK national is affiliated to the UK's national insurance scheme;
 - the UK national will be working solely for his UK employer (or UK-based customers if self-employed);
 - the UK national will be staying in Austria for no more than 90 days (any stay above 90 days will require a specific long-stay category D visa which explicitly allows work).
- ; and
- the UK national will be returning to the UK immediately thereafter.

Any activities which go beyond this would require a work permit.

For example, a work permit would be required if the UK national travels to Austria to provide a service on behalf of their company to a customer based in the EU or to provide services in an EU country as a self-employed person (there are some very limited exceptions based on the nature of the services provided).

Any provision of services to a (direct or indirect) client in Austria is not considered to be a business meeting but is an assignment subject to registration or approval.

In addition, in all cases, the UK national concerned will need to obtain a Portable Document A1 which confirms that they will remain covered by the UK's national insurance scheme during the expected period of stay in Austria. Further information can be found here: <https://www.gov.uk/guidance/national-insurance-for-workers-from-the-uk-working-in-the-eea-or-switzerland>

Separately, depending on the business sector involved, the UK-based employer may be entitled to send its employee (a UK national) to work in Austria under the terms of the EU-UK Trade and Cooperation Agreement. However, we understand that this is not the purpose of your enquiry as the employer would not be sending its employee (a UK national) to Austria to provide services on its behalf, but rather that the UK national is intending to take stay in Austria for up to 90 days during which time he will continue to work for the UK-based employer.

We trust that the above answers your enquiry.

We remain at your disposal should you require further information or advice on EU

To help us improve our services, we would invite you to complete this short [online survey](#).

To submit another enquiry, please visit [Your Europe Advice](#), but do not reply to this e-mail.

Your original enquiry was:

Can you please advise if a British Citizen who is NOT covered by the Withdrawal Agreement (not an Article 50 holder) is able to work remotely from Austria for a UK based Company/clients whilst still here on the usual tourist Schengen Visa exemption (90/180 day Visa exemption) or on an Austrian Tourist Visa-D (non working). They would be a Third Country National with no residency permit or residency rights. I am not aware of any provision in Austrian or EU law to permit a British Digital Nomad in Austria, but am seeking clarification.

Yours sincerely,

Your Europe Advice