



# Cross-border provision of services

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## Main information

**Entrepreneurs from any Member State can provide services on a temporary or occasional basis in another EU country, without having to establish a business there.**

**Cross-border provision of services must be strictly distinguished from establishment** during which a person does business permanently in a foreign state, e.g. in the form of a branch established under the laws of that state or obtaining a local trade license. The principle features of cross-border service provision are temporary and occasional. In practice, this means that the focus of the business operator's interests must remain in the country of establishment and your services can only be provided on a one-time basis and irregularly in another Member State.

To determine whether it is a temporary or occasional provision of services the relevant factors are the **duration, regularity, frequency and continuity of providing the service** in the host state. Typical examples of the cross-border provision of services include construction services (even lasting for several years), the provision of IT and consulting services, beauty services, etc.

place (e.g. the operation of a restaurant, a hotel, etc.) in general cannot be provided cross-border. As a general rule, if you as a company or an entrepreneur become integrated in the economy of the host state, with regular customers, you have to establish a business there.

A Czech businesswoman would like to run a hospitality business in an establishment owned by a Greek businessman during a holiday in Greece.

An Austrian hairdresser would like to occasionally provide services in the Czech Republic.

A German entrepreneur would like to provide temporary consultancy services in the Czech Republic.

### **Cross-border services can essentially be provided in two ways:**

1. **Employees of a company (posting of workers)** - has a contract in another EU member state and to carry out the contract, sends his staff there. Employees remain employed by the posting employer for the duration of the posting. After the end of the posting, employment with this employer continues. For such cases, refer to the posting of workers in the framework of the cross-border provision of services. You may find more information in the text concerning posting of workers.
2. **Self-employed persons/freelancers** – where a person has a contract in another EU member state, they carry out the contract themselves and return to their country of origin. For such cases, refer to cross-border provision of services. You may find more information in the text concerning cross-border provision of service by self-employed persons.

### **Additional information**

## The Treaty on the functioning of the European Union

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

Act No. 222/2009 Coll., on the Free Movement of Services

### Responsible Public Authority



**Ministerstvo průmyslu a obchodu**

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