

Legal Obligations for Performing/Working in Spain

Important information for any event manager & wedding planner concerning the hiring of an artist, technician, and all others involved in the entertainment for an event

PREAMBLE:

I will try to outline the most important things for ensuring that a contracted artist, technician, etc. is working 100% legal in Spain. What is clear, is that the only right way to handle and prepare for an event is by using professionals who are familiar and comply with these very special requirements -- otherwise the client can be subject to severe penalties (see below)! As you can imagine, all the administration that has to be done, and certificates that have to be applied for, are not for free. Some administration costs are included in the artist fee, and those that aren't have to be paid separately. Sorry to say but the simple fact is that, one way or the other, the final client is responsible for the costs involved. However this surely is much better than what can occur (penalties, administrative costs, etc.) when hiring non legal artists and workers!

1. The Main Rules:

Any person with residency in the E.U. (employee or freelancer) giving a service at an event, no matter what nationality or residency and whether getting paid or not, has to be registered with the local authorities.

Any person with non-E.U. residency, first needs to apply for a permission to perform/work in Spain, to be able to be registered with the local authorities. Some countries have special agreements with the E.U. or Spain, making it easier for short time workers, e.g. artists coming for only a one day event/concert.

Any person not working at a fix working place (office, shop, warehouse etc.), e.g. those in the event business, must have all required certificates present at all times. In general, the obligations are like in any other business:

Tax Office

- To be registered with the correct relevant profession / IAE for freelancer, at "Agencia Tributaria"
- No outstanding debt; some venues and promoters are asking for a certificate*

Social Security

- To be registered with the correct relevant profession at "Seguridad Social"/"Tesoria General"
- No outstanding debt; some venues and promoters are asking for a certificate*

Health & Safety Measures

- Certificate of having participated in a seminar for health & safety measures at work
(by Spanish law freelancers don't have to have it - but are asked for it more and more by venues and promoters!)

Third party liability insurance

- Any employee has to be covered by the insurance of his employer
- Freelancers are obligated to have their personal third party liability insurance

Data Protection

- any employee has to be covered by his employer
- Freelancers are obligated to have contracted their personal data protection plan

* Special Law in Spain

The final client and the venue owner are responsible to ensure that all artists and technicians contracted are working 100% legal; they can get an important fine (can be a few thousand € or even more) if someone working at the event doesn't comply with all legal obligations. If anybody working at the event is in debt with the Tax Office or Social Security, the final client and the venue owner can be obligated by the authorities to pay the outstanding debt of this person!

2. Distinguishing exactly what kind of certificates/registrations are required:

Citizens of Spain, or officially registered working residents in Spain

- NIF/NIE - id-card for citizens/residents
- membership number of the “Seguridad Social” - the “Tarjeta Sanitaria”

- **as an employee also:**
 - o Certificate from the Seguridad Social that you are registered for the day of the event
 - o Certificate from your employer that he is up to date with his payments to Seguridad Social and Hacienda
 - o Certificate of having participated in a seminar for health & safety measures at work
 - o Certificate of the Third Party Liability Insurance of his employer
 - o Covered regarding Data Protection by the employer, as required by E.U. law

- **as a freelancer/autonomo also:**
 - o certificate from the Tax Offices (Hacienda) that you are up to date with your payments
 - o Last payment to the Seguridad Social - certificate from the bank
 - o Certificate of having participated in a seminar for health & safety measures at work (nice to have, but by law not a must for a freelancer)
 - o Third Party Liability Insurance policy that covers the services given at an event
 - o Contract for Data Protection as required by E.U. law

Non-residents of Spain, but citizens or working residents of any E.U. country

Artists/technicians with residency in an E.U. country don't need permission to perform/work in Spain. They have to present only the E.U. certificates from the Social Security and Tax Office of the country of residency, to show that they are officially registered in a country of the E.U.. These certificates have to be presented together with the details of the performance to the local authorities of the province in Spain where the event they are contracted for, will take place. The artists/technicians will get a Spanish tax-number for foreigners and a Social Security number.

- Health & Safety Measure seminar: regarding the regulations in the country of residency
- Third Party Liability Insurance policy: regarding the regulations in the country of residency
- Contract for Data Protection as required by E.U. law. Any professional of the E.U. should have this

Thats all! :)

Non-residents or non-citizens of any E.U. country

Any such artist/technician needs permission to perform/work in Spain. With a lot of non-E.U. countries Spain has special agreements which make it easy if it's just for one event. But every case is different. After having the permission to work in Spain, the rest is nearly the same as for E.U. residents. With sufficient time, using an experienced solicitor, and being prepared to pay a lot on top of the artist fee, this isn't a big deal either.

- Health & Safety Measure seminar: regarding agreements with the non-E.U. country
- Third Party Liability Insurance policy: regarding agreements with the non-E.U. country
- Data Protection as required by E.U. law: regarding agreements with the non-E.U. country

3. Some information regarding “Health & Safety At Work”

For Employees

By Spanish law any employer has to have contracted a company in charge of “Health & Safety At Work.” And any employee has to participate at a seminar regarding “Health & Safety At Work.” Depending on the kind of work this can be one or more seminars, from a few hours to a few weeks each seminar. All direct and indirect costs for the seminars have to be covered exclusively by the employer.

For Freelancers

By Spanish law freelancers are not obligated to have a company contracted for "Health & Safety At Work." But more and more promoters and venues are now requiring the certificate of having participated at a seminar regarding "Health & Safety At Work" in order to be accepted by the promoter or venue to perform and to work.

4. Artist/technician as freelancer or employee?

Any artist or technician can work as a freelancer after being registered officially as such, in which case he is contracted directly by the final client, will receive his task directly from the final client, and will send the invoice for his services directly to the final client.

Any artist or technician that is contracted by an entertainment producer, event-manager, artist manger, musical director of a band, sound company, artists' association or similar has to be registered as an employee by the correspondent company/freelancer who has contracted the artist/technician for the final client.

5. Where to pay the tax

In general any tax for any service by artists, technicians, etc. has to be paid in the country where the service is given. To make it easier for artists/technicians with residency in another E.U. country than Spain, it's a big advantage for the artist and the client to have an E.U. tax number. For more details and informations, please contact your personal tax adviser, or one of the local professionals mentioned in the following chapter.

6. Where to go for more information and help

Even employees of Seguridad Social and Hacienda don't know everything about this very special business. The following professionals specialize in matters concerning artists and technicians at events:

For artists that are citizens or officially registered working residents in Spain

- Francisco (Paco) Majoral de „MUSIBAL“ tel: 971 796966 web: www.musibal.com an officially registered artist association/cooperation in the Balearics!
- Angel Pujol de „Manangement“ mov: 605 063285 web: www.manangement.com - a local artist management, specialized in artist/technician registration at the local authorities!

For technicians and all non residents:

- Angel Pujol de „Manangement“ mov: 605 063285 web: www.manangement.com - a local artist Management, specialized in artist/technician registration at the local authorities!
- Antonia Perez Moragues de ADICO SL tel: 971 498860 mov: 639 017080 - very experienced with contracts and registrations for international non-E.U. acts!

I hope this information will help you to know more about the legal issues and possible extra costs, when contracting local artists or bringing in artists from abroad. At the end it is a lot easier, with much less headache and expense, to contract the highly professional entertainers, artists, and technicians of our large Spanish network, with all papers done for working and performing legally in Spain.

If I can give you one more tip it is this:

Don't try to sort this out on your own, you will get MAD and CRAZY! - Please instead feel free to ask us, or contract directly one of the professionals mentioned above!

un saludo cordial



www.mallorca-inear.com

show production - studio - publishing – label – distribution

Ronald Brand Via Cornisa 57-2 E-07180 St Ponsa/Balearics Spain tel +34 971 699602 mob +34 609 633912
ronyb@mallorca-inear.com skype: tarod-music VAT ID: ESX2349453A