

# OPERATING IN THE EU & EFTA POST-BREXIT

WHAT DO WE OFFICIALLY KNOW?

UPDATED 2<sup>ND</sup> FEBRUARY 2023



**SNOWSPORT  
ENGLAND**

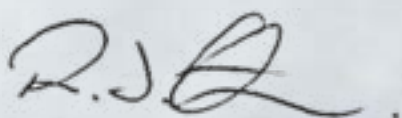


THE SNOWSPORTS GOVERNING BODIES AND PROFESSIONAL ASSOCIATIONS OF THE UNITED KINGDOM HAVE WORKED TOGETHER TO CAPTURE WHAT IS OFFICIALLY AND COLLECTIVELY KNOWN ABOUT WHAT BRITISH CITIZENS CAN & CANNOT DO IN FOUR MAJOR ALPINE NATIONS.

THESE ARE **FRANCE, ITALY, AUSTRIA AND SWITZERLAND.**

THIS DOCUMENT IS ACCURATE AS OF **2<sup>ND</sup> FEBRUARY 2023**; HOWEVER IT SHOULD NOT BE INTERPRETED AS LEGAL ADVICE. THE SITUATION IS CONSTANTLY CHANGING AND BRITISH CITIZENS ARE STRONGLY URGED TO CHECK THE LATEST INFORMATION. LINKS TO THE RELEVANT LAWS HAVE BEEN PROVIDED WHERE POSSIBLE.

THE **ONLY** ORGANISATION WHICH CAN NEGOTIATE WORKING RIGHTS IN THESE NATIONS IS THE UK GOVERNMENT. THE ROLE OF UK SNOWSPORTS GOVERNING BODIES IS TO ESTABLISH MUTUAL QUALIFICATION RECOGNITION AGREEMENTS.



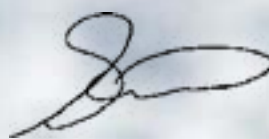
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## KEY ROLES IN SNOWSPORTS AND THEIR DEFINITIONS FOR WORKING IN THE EU AND/OR EFTA

Role	What does this mean?	Appropriate UK Qualification for working in EU or EFTA state
Instructing	Instructing is defined as the delivery of snowsport lessons and developmental activities by those working either in commercial ski schools or as self-employed/independent practitioners, to customers of all ages, from beginner to expert level.	BASI Levels 2-4, subject to constraints in specific countries
Coaching	Coaching is defined as the long-term development of trainees and athletes within national, bona fide club or academy structures for the purposes of racing, personal performance and competition.	UKSS 2-4, subject to constraints in specific countries
Training & Examining	Training and Examining is defined as the delivery of awarding body-sanctioned training courses and examinations by Tutors and Trainers appointed by the Home Nations Governing Bodies and BASI	BASI ISTD Snowboard & Ski L4; BASI XC/Adaptive/Telemark ISIA L3; UKSS 3 or 4
School Group Leading	School Group Leading is defined as the accompaniment by qualified school teachers of their own pupils on school snowsport trips.	A valid, degree level teaching qualification along with a snowsports qualification e.g. BASI 2 or higher &/or UKSS ASCL/ASL or higher

*These definitions matter because they underpin the competence-based qualifications that our members have. Of greater importance however is the fact that the legality of activities and ultimately insurance coverage depends upon members' alignment to these.*



# WHAT DO WE OFFICIALLY KNOW? A ROLE-BASED GUIDE TO WORKING IN THE EU & EFTA

I am a....	How can I operate in....			
	France	Italy	Austria	Switzerland
A snowsports instructor, either working independently or for a commercial ski school, providing my services to paying clients of all ages, from beginner to expert level	You need to either have, or be eligible for a Carte Pro	You will need equivalence from Italian authorities plus visa restrictions are in place. Read the detailed section	You must operate within regional laws. Employers will need to obtain a permit on your behalf.	Employment is possible provided you have a work permit. Self-employment - read the detailed section
A national team/elite level coach, providing my services to a Governing Body for the purposes of long term athlete development & competition support	Coaches & staff working for GB Snowsport are able to operate & provide competition support. All others require Carte Pro.	You can do this provided you stay within the 90 in 180 day rules	You can do this provided you stay within the 90 in 180 day rules	You can do this provided that you remain within the 90 in 180 days rule and declare yourself via the online notification system
A club coach, providing my services for the purposes of long-term development of trainees and athletes within national, bona fide club or academy structures for the purposes of racing, personal performance and competition.	You need to have, or be eligible for a Carte Pro			
A degree qualified school teacher, accompanying my pupils on a school trip	Yes - provided you can demonstrate they are your pupils and you are a qualified school teacher. You must stay within the 90 in 180 days rule		Yes - provided you can demonstrate they are your pupils and you are a qualified school teacher. Federal guidance is that you can do this for periods of up to 1 week, but check regional law	We have not yet confirmed if this is officially possible
A Trainer/Tutor delivering awarding body-sanctioned training courses and examinations	This remains possible provided Tutor or Trainer holds a Carte Pro	This remains possible	This remains possible	Possible for <90 days per calendar year. Requires declaration via the online notification system

*For other countries, please contact the appropriate awarding body for your planned activity who may have more information*



# WORKING IN FRANCE

## Overview

Working in France as a snowsports professional, whether this be for coaching club/team athletes or instructing purposes, remains a tightly controlled activity. The UK's exit from the EU means we no longer benefit from Right of Establishment as a snowsport instructor or coach under the Delegated Act. For most activities, a Carte Pro is required.

## Instructing

### What is the current situation with regards gaining a Carte Pro?

The positive news is that a pathway to attaining a Carte Pro now exists. Unfortunately the negative side - for now - is that British nationals will need to complete a number of additional and potentially duplicate assessments in order to do so. On page 8 is an infographic which summarises how it is your nationality, not your qualification, which impacts the process you must follow to get one.

BASI will continue to strive to remove any unnecessary re-assessments and barriers that prevent swift and objective recognition of qualifications, however as with any negotiations the stance of any other parties involved impacts progress.

BASI have tried to engage in discussions with the French authorities since **January 2021** with the intention of signing a new Memorandum of Understanding based on a framework of qualification equivalence. It took until **June 2022** before BASI were able to attend a face to face meeting in Grenoble with L'Ecole Nationale de Ski et d'Alpinisme (ENSA), the Pole Montagne (PNMESA) and the Ministry for Sport; each nation made their positions clear and whilst some areas remained unresolved it was felt that there were clear areas of agreement. On **13th July 2022** BASI sent a summary of their position to all attendees of that meeting and included a proposal on how French concerns could be addressed, how equivalence could be established and how a pathway for British nationals to gain a Carte Pro could be managed.

The various French authorities took until the **5th December 2022** to meet and discuss the Grenoble meeting and to review BASI's proposal. BASI finally received a formal response on **19th January 2023**, in which it seems every single proposal has been ignored. Throughout this 2 year period many BASI members have been trying to apply for a Carte Pro, or start the process of equivalence, but the French authorities seem to have struggled to follow their own processes, let alone consider new ones. As a result some BASI members with the same qualifications have experienced different outcomes, which is unfair and solely the fault of the French administration.

It is clear that not all stakeholders involved on the French side are ready or willing to take an equivalence process seriously and appear unwilling to put in the work required to create one. BASI accept that there are certain aspects of the French system which are not present in the BASI pathway and that additional assessments may be required to align our qualifications; however despite our pathways having much in common collectively France - for now - shows little interest in wanting to objectively establish & agree what these are. BASI are now considering what their next steps could be in response to the French authorities' behaviour.

Until BASI are able to successfully remove these extra assessments, those seeking a Carte Pro should follow the process shown in the infographic.

# WORKING IN FRANCE (CONTINUED)

## What is the official pathway to work as an instructor in France?

As you will see from the infographic on the following page, individuals who wish to operate on a professional basis in France will need to complete all BASI L4 (ski) modules first before then applying to the Pole Montagne office for equivalence (<https://www.arquedi.sports.gouv.fr>). The French office will then guide candidates to sign up for a Speed test, a snowboard test and an additional Mountain Safety assessment, all of which will be run on French soil. The speed test MUST be completed first. If you have not successfully completed the speed test you will NOT be able to attempt the other two assessments. Once all additional components are complete, you can apply for a Carte Pro - but the French authorities continue to use the language that *"applications will be considered on a case-by-case basis"*.

As was [recently communicated by BASI](#), France do not recognise snowboarding as a standalone discipline. Because they assess their own instructors' snowboarding ability as part of the Ski Instructor assessment, they now wish British nationals to do the same. The exact detail of this snowboard assessment has yet to be communicated.

France also consider the adaptive and telemark disciplines to be additions to ski. Cross-Country has it's own qualification and a separate process will be needed here.

## How do I sign up for these additional tests?

Candidates wishing to register for the speed test need to sign up online at <https://gepafom.fr/jsra> but you will not be able to do this if you've not applied for equivalence with the Pole Montagne first, nor will you be able to if you have not completed the other modules of your BASI L4.

The exact process for the snowboard and additional mountain safety assessments are not yet known, however **if you experience any difficulties registering for such assessments, or if the stated process above does not run as stated, then you should contact Marc Vernier at the Pole Montagne** ([Marc.Vernier@ac-grenoble.fr](mailto:Marc.Vernier@ac-grenoble.fr)).

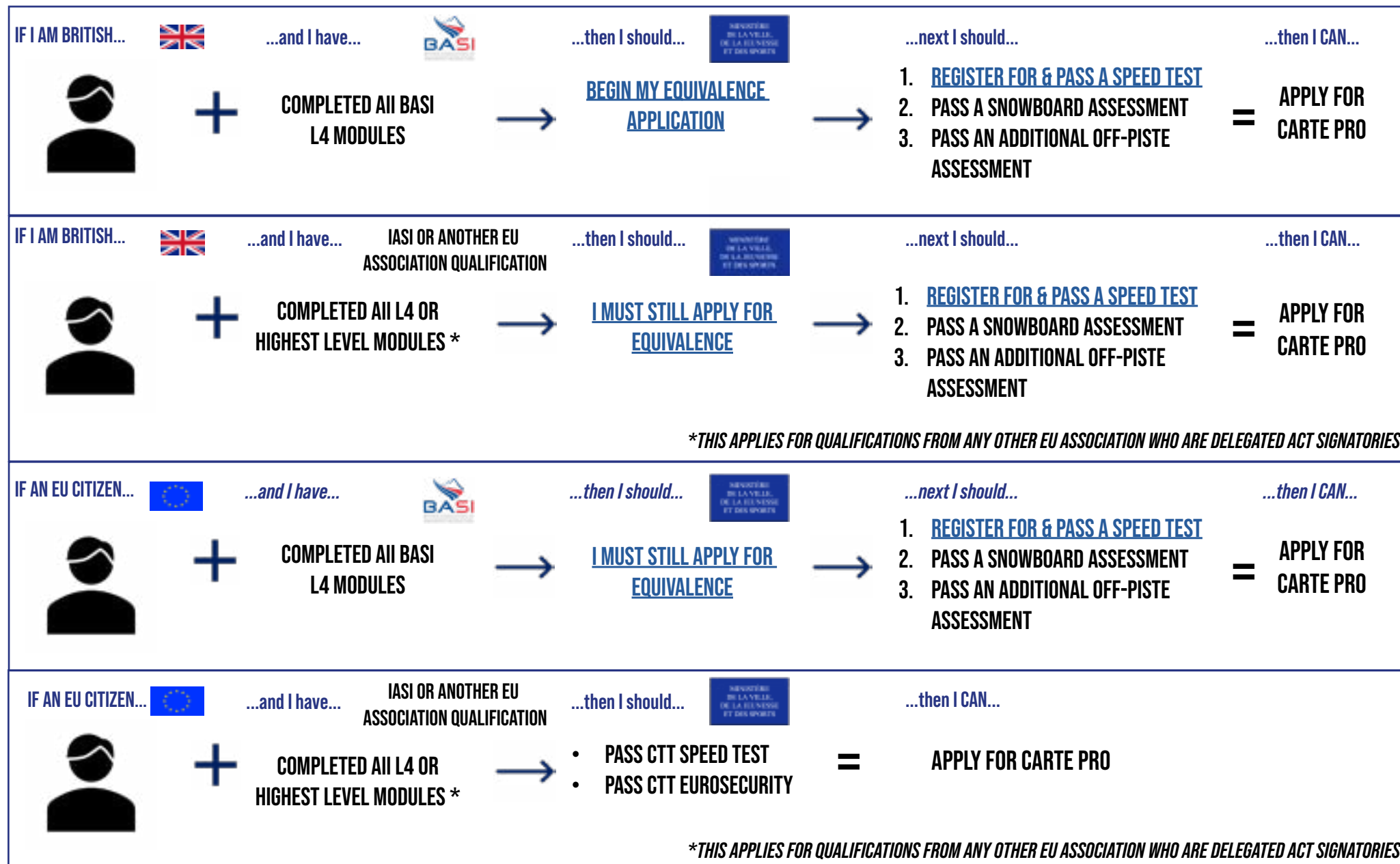
## Will having a French Carte Pro enable me to work across the EU?

If you don't have an EU passport, then no. The pathway described here only allows British nationals to operate with their BASI/UKSS qualifications in France.

If a British instructor is established and properly qualified in one EU nation, there is no guarantee that they will be able to operate legally in another. As a rule of thumb, a British instructor legally resident in one jurisdiction ought to assume that they cannot operate in a different jurisdiction unless they are also an 'EU Citizen'.

# PATHWAYS TO GAINING A CARTE PRO IN FRANCE

IT IS NOT YOUR QUALIFICATION THAT MATTERS POST-BREXIT, IT IS YOUR NATIONALITY





# WORKING IN FRANCE (CONTINUED)

## Coaching

### How can I operate as a UK-based coach in France?

The definitions section on Page 1 shows what the Home Nations Governing Bodies and BASI view coaching to be. In France however there is no practical difference in terms of qualifications required to operate; you will need to hold or be eligible for a Carte Pro unless you are operating on behalf of GB Snowsport. The French authorities have confirmed that the 2023 British Championships in Tignes are approved to proceed just as they did in 2022 and have indicated to the Home Nations Governing Bodies that this event is exempt from these new rules. The Home Nations will continue to monitor this situation.

Anyone coming from the UK and working as a coach will still be limited to the 90 in 180 days rule.

### What if I want to coach on a voluntary basis?

As with many other sports in France, the Federation Française de Ski offers a set of qualifications which are solely for the purpose of providing coaching on a voluntary basis (“Cadre Bénévole”). It is currently unclear how the French authorities would view a British national claiming to be delivering their services on such a basis, however it would be reasonable to presume that such voluntary activity could be required to be proven to be voluntary and for a bona fide club.

What remains unclear and untested is what exactly a volunteer is defined to be; there is a continuum where “not for profit” sits at one end and “paying your own way” sits at the other. Our understanding is that if a coach pays their own way (a pure amateur - a moniteur bénévole), then they are allowed to coach but may well be asked to prove that they are completely unpaid. We do not know how much movement along the continuum towards “receiving expenses” is allowed in France. This will take time to clarify.

BASI & Snowsport England have approached their counterparts in France for their views on this point, and will update as and when their views are received.

## Training & Examining

### Can BASI & the Home Nations run exams & training courses in France?

Yes. There are no barriers or legislation which prevents course delivery provided the Tutor or Trainer holds a Carte Pro.

## School Group Leading

### What if I want to accompany my pupils on school trips?

The French authorities have confirmed this is legally permissible. It’s appropriate for you to have a UKSS and/or a BASI qualification to ensure you are competent to accompany them, however you are not legally entitled to instruct or coach them yourself. In the event you are controlled on the slopes, you should be able to demonstrate your credentials as the pupils’ degree-qualified school teacher.

# WORKING IN FRANCE (CONTINUED)

## Visa or Permit Requirements

### Will I need a visa?

If you are a British citizen, do not hold any other EU passports and have not benefited from the terms of the Withdrawal Agreement, then yes. There is no certainty that British nationals will receive one of these however there are various options laid out via the online application portal (<https://france-visas.gouv.fr/web/france-visas/>). Neither the Home Nations Governing Bodies nor BASI are able to arrange these for you.

# WORKING IN ITALY

## Overview

The situation in Italy is somewhat mixed due to the lack of alignment of messaging coming from the Federal authorities and the Regional authorities.

Since January 2021 BASI have been liaising with the British Embassy, the Foreign, Commonwealth & Development Office (FCDO) and the Department for Trade to establish exactly what is going on in Italy. BASI have also been communicating with ski schools operating in the various Italian regions and it appears the misalignment remains for now.

## Instructing

### **Can British nationals work as independent, self-employed snowsports instructors in Italy?**

We were originally told by both the Italian Ministry for Foreign Affairs (MFA) and the British Embassy that British nationals could work < 90 days in Italy without a visa. However we are now being told that this position has **not** been confirmed by the Italian Ministry for the Interior (MOI), which is essentially the equivalent of the Home Office in the UK, and which makes the decisions when it comes to foreign nationals staying in Italy for longer periods or being employed by an Italian business.

It seems a key sticking point is “reciprocity”; the Italians would be willing to allow British nationals the ability to work for up to 90 days visa free if the UK Government was willing to extend the same access to Italian nationals - however this seems to be something the current UK administration are unwilling to do.

We do know that a series of formal meetings between the British & Italian governmental departments to discuss this and other issues are scheduled for Q1 2023 and hope that these are able to resolve the situation.

### **Can British nationals be employed as snowsports instructors by local businesses?**

Same as above.

### **What is the official pathway to work as an instructor in Italy?**

In terms of a formal qualification recognition agreement, BASI have been trying to liaise with the Italian authorities since January 2021. However, because in Italy there is an umbrella professional instructors' Association ([Associazione Maestri Sci Italiani](#) (AMSI)), 16 regional instructors' Associations and 19 instructor training colleges, it is a complex picture. There is also the federal-level Ministry for Sport (i.e. the lawmakers) to take into account.

Contact has been limited until recently, when representatives from some of the regional associations indicated their desire to harmonise qualification recognition across regions and as a result BASI now expect to hold a face to face technical summit with these bodies in 2023.

### **Will having recognition in Italy enable me to work across the EU?**

If you don't have an EU passport, then we don't believe so. We expect future pathways to only allow British nationals to operate with their BASI/UKSS qualifications in Italy.

If a British instructor is established and properly qualified in one EU nation, there is no guarantee that they will be able to operate legally in another. As a rule of thumb, a British instructor legally resident in one jurisdiction ought to assume that they cannot operate in a different jurisdiction unless they are also an 'EU Citizen'.

# WORKING IN ITALY (CONTINUED)

## Coaching

### How can I operate as a UK-based coach in Italy?

The definitions section on Page 1 shows what the Home Nations Governing Bodies and BASI view coaching to be. The Italian authorities have confirmed that it is legal for UK based coaches to work visa-free with their teams and athletes in Italy provided that they remain within the <90 in 180 days rule. This applies to competition support as well as coaching activity.

## Training & Examining

### Can BASI & the Home Nations run courses in Italy?

Yes. There are no barriers or legislation which prevents course delivery.

## School Group Leading

### What if I want to accompany my pupils on school trips?

The Italian authorities have confirmed this is legally permissible. It's appropriate for you to have UKSS and/or BASI qualifications to ensure you are competent to accompany them, however you are not legally entitled to instruct or coach them yourself. In the event you are controlled on the slopes, you should be able to demonstrate your credentials as the pupils' qualified school teacher.

## Visa or Permit Requirements

### Will I need a visa?

As written on the previous page, we had been told by Italian federal-level authorities that for self-employed or employed activities for <90 day period a visa would not be required. However this is currently up in the air and we are awaiting confirmation of the rules once the UK and Italian government departments have reached an agreement on visa requirements.

Once this issue is resolved, it is important to note that neither the Home Nations Governing Bodies nor BASI are able to arrange working visas for you.

# WORKING IN ITALY (CONTINUED)

## Regional Variations

### How will regional variations affect federal law?

#### VALLE D'AOSTA

BASI & the Home Nations have been made aware that, for the winter season 2022-2023, the tour operator Interski has entered into a temporary commercial arrangement with the Aosta Valley Regional Government ([Regione Autonoma Valle d'Aosta](#) or "RAVA") to allow British self-employed instructors with certain BASI qualifications to come from the UK and work for Interski for specific weeks provided they remain within the 90/180 day limit. They must operate under the supervision of local ski schools, meet certain local conditions & may be subject to ad hoc assessments of their technical ability.

BASI spoke directly with the President of the [Associazione Valdostana Maestri di Sci](#) (Valle D'Aosta Ski Instructors Association or "AVMS") recently and he confirmed that this temporary arrangement **ONLY** applies to British nationals working on a self-employed basis for Interski and operating under the conditions above. This permission does **NOT** apply to any other British national wishing to operate in the Aosta Valley. Those instructors wishing to take advantage of this limited arrangement need to be aware that it MAY impact the public liability cover provided by their National Governing Body/Professional Association. BASI, Snowsport Scotland and Snowsport England are consulting with the insurer to get further clarity on this issue.

BASI & the Home Nations welcome the positive news of such working opportunities and hope that this arrangement will support our future discussions with [L'Associazione Maestri di Sci Italiani](#) (Italian Ski Instructors Association or "AMSI") and the other Regional associations in Italy.

# WORKING IN AUSTRIA

## Overview

Working in Austria varies significantly depending on whether you are there for instructing, coaching, leading or examining purposes; it also depends on which region of Austria you are in. Many Austrian regions have specific legislation which controls and regulates snowsport activity for commercial purposes.

As with France, the UK's exit from the EU means British nationals no longer benefit from Right of Establishment as a snowsport instructor or coach under the Delegated Act.

BASI and the Home Nations have been in touch with the ÖSSV (the umbrella organisation for all regional instructors' associations) and they have directed us to liaise directly with each individual regional association; this is because the federal body has no legal powers to overrule regional snowsport legislation.

## Instructing

### **Can British Nationals work as snowsport instructors on an employed basis in Austria?**

We have been officially told by Federal Government authorities that *"Individuals who want to undertake employed work with a business registered in Austria e.g. ski or snowboard teacher with a local ski school, require a visa before starting their work (e.g. a seasonal worker visa). The employer must get in touch with the local labour market service AMS prior to commencing employment to request a work permit. Once the work permit is issued, depending on the type of permit either a visa C or D (seasonal worker) visa can be requested by the individual"*

### **Can British Nationals work as snowsport instructors on a self-employed basis in Austria?**

This is where our members need to be extremely careful. Not only do we not yet have an official MoU in place with Austrian authorities, but on page 16 you will also see links to all the different regions' snowsport-related legislation. If you are planning on trying to work in an Austrian region, you must familiarise yourself with the local laws in place there.

### **Will having recognition or equivalence in Austria enable me to work across the EU?**

If you don't have an EU passport, then no. Any pathways described here only allow British nationals to operate with their BASI/UKSS qualifications in Austria.

If a British instructor is established and properly qualified in one EU nation, there is no guarantee that they will be able to operate legally in another. As a rule of thumb, a British instructor legally resident in one jurisdiction ought to assume that they cannot operate in a different jurisdiction unless they are also an 'EU Citizen'.

# WORKING IN AUSTRIA (CONTINUED)

## Training & Examining

### Can BASI & the Home Nations run courses in Austria?

Yes.

## School Group Leading

### What if I want to accompany my pupils on school trips?

The Austrian Federal authorities have told us the following:

*“Ski/snowboard teachers who are accompanying their own “school classes” and are also teaching them in Austria also do not require a visa, under the condition that the trip does not exceed the duration of a “normal business trip – around 1 week”*

It’s appropriate for you to have UKSS and/or BASI qualifications to ensure you are competent to accompany them, however you are not legally entitled to instruct or coach them yourself. In the event you are controlled on the slopes, you should be able to demonstrate your credentials as the pupils’ qualified school teacher.

## Coaching

### How can I operate as a UK based Coach in Austria?

The definitions section on Page 1 shows what the Home Nations Governing Bodies and BASI view coaching to be.

We now have further clarification of the position regarding club coaches and activity in Austria; the detail varies from lander to lander but the general position was summarised by a contact in Tyrol:

*“In principle, ski lessons may only be given by ski schools. There are exceptions, for example, for domestic and foreign schools or for youth organisations, sports clubs and alpine clubs, if these activities are carried out exclusively for members by members of the youth organisation or club concerned and neither the members who carry out such an activity nor the youth organisations or clubs concerned are paid any remuneration exceeding the effort.”*

This is positive news as it does permit legitimate club coaching and NGB activity in Austria, the spirit of which is around club and NGB based long-term coaching relationships as opposed to short-term product/profit-driven activities.

Coaches must have a long-term coaching relationship via a bona fide club with their participants. We do not have clarity as to the precise characteristics of what constitutes a properly constituted club in each Lander, however we strongly recommend that coaches consider whether scrutiny of their club would indicate that it is member driven, democratic and for the purposes of skill development or a vehicle created for the purposes of creating income for coaches. The spirit of clubs and coaching authorised under the regulations is very much the former.

For clarity this is not a loophole where short-term training or instruction can be sold to participants where there is no long-term coaching and bona fide club relationship.

Austrian based academies which have local agreements are able to operate subject to those local agreements and are outwith the club arrangements.

# WORKING IN AUSTRIA (CONTINUED)

Coaches must remain within the 90 in 180 days limit and in addition should familiarise themselves with the prevailing regulations and be able to show that they are complying with them if required to. Links to these are shown on page 16.

## Visa or Permit Requirements

### Will I need a visa?

If you are a British citizen, do not hold any other EU passports and have not benefited from the terms of the Withdrawal Agreement, then unless otherwise detailed here you should assume the answer to be yes.

We were recently informed that the Austrian government announced changes to the “Red White Red” card which is the Austrian working visa that British nationals can apply for. The change announced was that individuals who have been employed as seasonal workers for at least three years in the past five in the same sector and are registered with the employment service AMS can become “permanent seasonal workers” which allows them to obtain employment permits independent of any quotas on the number of permits available. After two more years as permanent seasonal worker they have the opportunity to apply for the RWR card.

You can contact the Austrian Public Employment Service for further information about these visas and more generally about Labour Market Regulations ([www.ams.at](http://www.ams.at)) or email [ams.sab-bgs@ams.at](mailto:ams.sab-bgs@ams.at). Neither the Home Nations Governing Bodies nor BASI are able to arrange visas for you.

## Regional Variations

### How will regional variations affect federal law?

As mentioned earlier, there are many regional laws in place which govern Snowsports and Mountain Guiding activities in Austria. This is what we were officially told by Federal Authorities:

*“Ski and snowboard instructors are not a centrally regulated profession in Austria but locally regulated by each federal region. So yes, the local laws and further regional constraints would continue to apply. Each of the 9 federal regions with the exception of Burgenland (entirely flat, in the very East of Austria) has their own regulations. These local laws regulate the profession of ski / snowboard / mountaineering guide or teacher (“Schiführergesetz / Bergführergesetz”) as well as the business of running a ski school (“Schischulgesetz”).”*

The following page provides links to each of the regions’ snowsports legislation.



## AUSTRIAN REGIONAL LAWS

REGION	LINKS
Carinthia/Kärnten	<ul style="list-style-type: none"> <li>• <a href="#">Kärntner Schischulgesetz, LGBL. Nr. 53/97;</a></li> <li>• <a href="#">Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98</a></li> </ul>
Lower Austria/Niederösterreich	<ul style="list-style-type: none"> <li>• <a href="#">NÖ- Sportgesetz, LGBL. Nr. 5710</a></li> </ul>
Upper Austria/Oberösterreich	<ul style="list-style-type: none"> <li>• <a href="#">OÖ- Sportgesetz, LGBL. Nr. 93/1997</a></li> </ul>
Salzburg	<ul style="list-style-type: none"> <li>• <a href="#">Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89</a></li> <li>• <a href="#">Salzburger Bergführergesetz, LGBL. Nr. 76/81</a></li> </ul>
Styria/Steiermark	<ul style="list-style-type: none"> <li>• <a href="#">Steiermärkisches Schischulgesetz, LGBL. Nr.58/9</a></li> <li>• <a href="#">Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76</a></li> </ul>
Tyrol/Tirol	<ul style="list-style-type: none"> <li>• <a href="#">Tiroler Schischulgesetz. LGBL. Nr. 15/95</a></li> <li>• <a href="#">Tiroler Bergsportführergesetz, LGBL. Nr. 7/98</a></li> </ul>
Vorarlberg	<ul style="list-style-type: none"> <li>• <a href="#">Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 §4 (2)a</a></li> <li>• <a href="#">Vorarlberger Bergführergesetz, LGBL. Nr. 54/02</a></li> </ul>
Vienna/Wien	<ul style="list-style-type: none"> <li>• <a href="#">Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02</a></li> </ul>



# WORKING IN SWITZERLAND

## Overview

Switzerland remains a popular choice for instructing opportunities, coaching delivery and training/examinations for British nationals. Subject to work permit restrictions, British nationals are generally able to operate in a variety of ways in the country. BASI's qualifications are recognised by [SEFRI](#) (the federal department which controls [recognition](#)) as opposed to [Swiss Snowsports](#) themselves and BASI are in the process of updating this agreement.

## Instructing

### Can British nationals work as employed snowsports instructors in Switzerland?

Yes. Whilst there may be cantonal constraints on available work permits, British nationals with BASI levels 2 or higher are able to work for Swiss registered businesses provided that the prospective employer is willing to apply for and secures a work permit for the instructor. However whilst this is theoretically possible, we are aware that cantons may be interpreting the rules differently, so as a result BASI and the British Embassy in Switzerland have jointly developed [a survey to capture British nationals' differing experiences of permit applications](#). This will provide the Embassy with objective data to support their engagements with the Swiss government to promote employment prospects for British instructors.

BASI members who are already employed and who already hold equivalence of the [Swiss Brevet Federal](#) or Patente may be asked to provide evidence of their BASI Public Liability Insurance; those eligible will find a personalised version of this in their members area.

### Can British nationals work as self-employed snowsports instructors in Switzerland?

The British Embassy in Bern have confirmed the answer to this is yes, provided certain criteria are met and specific processes are followed. UK-based British nationals holding the BASI 4 can operate under the terms of the newly-extended [Services Mobility Agreement](#) between the UK and Switzerland to deliver short-term snowsport tuition services on a self-employed basis into Switzerland, provided that they have first applied for & successfully received [qualification recognition](#) and then used the [online notification process](#). The Services Mobility Agreement requires that a contract exists between a UK-based service supplier and a Swiss client.

### What if I am a British national resident in an EU member state?

The guidance presented here is aimed at British nationals who are tax resident in the UK and looking to operate in Switzerland. We are of course aware that some British nationals have declared themselves resident in various EU member states for financial and tax purposes under the terms of the Withdrawal Agreement; if you have done this and you are self-employed, you will not be able to use the online notification system nor use the terms of the Services Mobility Agreement to deliver snow-sport services into Switzerland. This is because you will be unable to provide a Form A1 (i.e. evidence of you paying tax and National Insurance Contributions in the UK), something you will be required to show if controlled by the Swiss authorities.

You are able to deliver <8 days' of work per year without needing to use the online notification system, but no more than this.

## WORKING IN SWITZERLAND (CONTINUED)

At present self-employed snowsports instructors declared resident in the EU under the terms of the Withdrawal Agreement cannot engage in Cross Border Provision of Services into Switzerland; however we are liaising with the British authorities to see how this omission from the UK:EU Trade & Cooperation Agreement might be addressed.

Instructors who are employed by a company registered in an EU member state can be sent over to Switzerland on a contractual basis and can use the online notification procedure, as this activity is covered under the EU-CH [Free Movement of Persons Agreement](#).

### **Will having recognition or equivalence in Switzerland enable me to work in other EFTA countries?**

No. Any pathways described here only allow British nationals to operate with their BASI/UKSS qualifications in Switzerland.

## Coaching

### **How can I operate as a UK-based coach in Switzerland?**

The definitions section on Page 1 shows what the Home Nations Governing Bodies and BASI view coaching to be.

This Swiss Government [information sheet](#) relates to professional ski instructors and mountain guides and their regulation. This document also refers to working within not for profit organisations, i.e. a sports club or school and gives the following exemption from regulation:

*“Exception: income generated exclusively under the supervision and responsibility of non-profit organisations (e.g. Swiss Alpine Club, a sports club, a hiking club, or a school) is not taken into consideration.”*

In these circumstances it is our understanding that snowsports coaching when working for a not for profit club or national governing body is not regulated and therefore does not require application for notification in the same way as a self-employed or employed ski instructor would do.

Coaches must have a long-term coaching relationship via a bona fide club with their participants. We do not have clarity as to the precise characteristics of what constitutes a properly constituted club in each canton, however we strongly recommend that coaches consider whether scrutiny of their club would indicate that it is member driven, democratic and for the purposes of skill development or a vehicle created for the purposes of creating income for coaches. The spirit of clubs and coaching authorised is very much the former.

For clarity this is not a loophole where short-term training or instruction can be sold to participants where there is no long-term coaching and bona fide club relationship.

Coaches must remain within the 90 in 180 days limit and in addition should familiarise themselves with the prevailing regulations and be able to show that they are complying with them if required to.

# WORKING IN SWITZERLAND (CONTINUED)

## Training & Examining

### Can BASI & the Home Nations run courses in Switzerland?

Yes. Training & Examining (as defined on Page 1) is currently unregulated at Federal & Cantonal levels in Switzerland and such activity conducted for not-for-profit training associations is exempted from Federal [high risk activity legislation](#). We are still being told that Tutors and Trainers must complete the [online notification system](#) in advance unless they intend to work for 8 consecutive days or fewer for the whole of the calendar year, but have requested clarity on whether this is still required. If Tutors/Trainers wish to deliver a course with off-piste elements then they must hold the equivalence of the [Swiss Brevet Federal](#).

As mentioned on the previous page, Trainers or Tutors who are self-employed and who have declared themselves resident for financial and tax purposes in an EU member state under the terms of the Withdrawal Agreement are currently not able to use the online notification system nor provide services into Switzerland. This is due to post-Brexit restrictions on the cross border provision of services.

## School Group Leading

### What if I want to accompany my pupils on school trips?

We have not received any information which would suggest this is not allowed, but cannot yet confirm it would be viewed as legal by the Swiss authorities.

## Visa or Permit Requirements

### Will I need a visa?

Those seeking employment cannot work without a permit in their possession; a pending application will not suffice. Neither the Home Nations Governing Bodies nor BASI are able to arrange these for you.

Further information on Swiss work permit categories and general information for British nationals wishing to work in Switzerland [can be found here](#).

## Regional Variations

### How will regional variations affect federal law?

Swiss Cantons are allowed to interpret certain pieces of federal legislation; most notably the [Foreign Nationals & Integration Act \(FNIA/AIG/LEI\)](#) and the legislation relating to the [admission, stay and exercise of a gainful activity \(OASA/VZAE\)](#), especially where “local” snowsport tuition and services are offered and the activity in question is a [regulated profession](#).

We already know that certain Cantons are more open to British nationals than others; the Canton of Bern have already clearly stated that *“...we recognize the long tradition of snowsports in the United Kingdom and also understand the interest of the Swiss ski schools in securing access to ski instructors from the UK, who make a valuable contribution to the Alpine economy in particular in our Canton.”*

# SOURCES

LOCATION	SOURCE
France	<ul style="list-style-type: none"> <li>• Head of Market Access at the British Embassy, Paris</li> <li>• Pole Montagne, Grenoble</li> </ul>
Italy	<ul style="list-style-type: none"> <li>• Senior Trade Advisor at the British Embassy, Rome</li> <li>• Italian Ministry of Foreign Affairs <a href="https://vistoperitalia.esteri.it/home/en#BMQuestionario">https://vistoperitalia.esteri.it/home/en#BMQuestionario</a> (last accessed 04/11/2021)</li> <li>• Italian Embassy in London website <a href="https://amblondra.esteri.it/ambasciata_londra/en/informazioni-e-servizi/visti/">https://amblondra.esteri.it/ambasciata_londra/en/informazioni-e-servizi/visti/</a> (last accessed 04/11/2021)</li> </ul>
Austria	<ul style="list-style-type: none"> <li>• Political Attaché at the British Embassy, Vienna</li> <li>• Austrian Federal Law <a href="https://www.ris-bka-gv.at">https://www.ris-bka-gv.at</a> (last accessed 04/11/2021)</li> <li>• Department of Tourism, Office of the Tyrolean Provincial Government</li> </ul>
Switzerland	<ul style="list-style-type: none"> <li>• Trade Attaché, British Embassy, Bern</li> <li>• Swiss State Secretariat for Migration</li> <li>• Economic, Energy and Environment Directorate, Office for Economic Affairs &amp; Working Conditions, Canton of Bern</li> </ul>



21<sup>th</sup> January 2023

Dear Sirs

**Combined liability Insurance cover for coaching, leading and instructing activities in Europe**

Marsh Sport is a specialist division of Marsh Ltd and offers insurance broking services to sports organisations.

Specifically Marsh Sport has arranged combined liability insurance cover, through Sportscover Europe, underwritten by Allianz Global Corporate Services, for the employees and registered members of Snowsport Scotland, Snowsport England and the British Association of Snowsport Instructors.

Following the UK's exit from the EU on 1st January 2021 we understand that UK snowsports awarding bodies have undertaken significant research to determine whether UK resident snowsports coaches, leaders and instructors continue to have a legal right to operate in EU countries.

It is now our understanding that across the European Nations, and in many cases in regions within these nations, different rules apply for the following activities:-

- Providing coaching support at competitions
- Coaching elite level athletes in national performance camps
- Coaching development level trainees on short-term club camps
- Instructing in commercial ski schools
- Leading school pupils on school trips

Marsh Sport can confirm that their combined public liability and professional indemnity insurance will remain valid for the above activities where the club, body or person organising the activity has:-

1. Received written confirmation from a reputable authority within the country confirming that the planned activities are permissible for the proposed time of travel. Reputable authorities include National Ski Federations, Immigration Departments, Consulates, Embassies and Regional Administration department responsible for devolved legislative systems.
2. Ensured that, for the country or region in which they intend to operate, all coaching, leading or instructing personnel:-
  - a. Comply with any visa or work permit requirements.
  - b. Comply with any limits on the number of days that work is permissible.
  - c. Comply with legislation relating to payment for services.
  - d. Comply with legislation relating to remuneration of expenses.
  - e. Are current licensed members of either Snowsport Scotland, Snowsport England or BASI.
  - f. Are working within the remit & purpose of their award and follow the role-based definitions of activities as laid out by Snowsport Scotland, Snowsport England & the British Association of Snowsport Instructors

Yours faithfully,

Marsh Sport



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