

How can I play pro sport here? 22/07/2003 00:00

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'I'm the coach of a local soccer team. Recently, a gifted soccer player from Illinois, the United States, contacted our financial director. We have seen this player in action and would really like to sign him for a one-year period, but we don't exactly know how to proceed. I understand that a special work permit is needed, but what about a residence permit?'

With the recent conclusion of the Olympic Games in Utah, I thought it appropriate to answer this sports-related question.

Soccer is after all the leading sport in the Netherlands and Europe, and quite a few players from outside the European Union/EER participate in the Dutch competition. A while back, Rotterdam's team Feyenoord was fined for employing a foreign player without a proper work permit. The stakes are high and Dutch authorities, such as the Labor Inspection Service, will thoroughly check the antecedents of foreign athletes, playing for Dutch teams.

A soccer team from the Dutch premier and second league (36 teams in total), that intends to employ a player from outside the EU/EER, is required to secure a valid work permit. With regard to these athletes from abroad, special labour rules and regulations apply.

The Central Employment Office holds the opinion that only in exceptional cases, work permits will be issued to Dutch soccer teams regarding these non-EU/EER players. This derives from the assumption that there are enough 'local' players available from within the realm of the European Union/EER. Teams from the lower Dutch soccer leagues (below premier & second league level) will therefore have a very hard time convincing the Central Employment Office of the necessity of a work permit issuance. Nowadays, the rules are very strict and a restrictive policy is followed.

Special remuneration requirements apply for these non-EU/EER players. Young players (age 18-20) should receive a minimum salary of 75% of the average salary of (premier or second) league players. Older players should receive a minimum salary of 150% of the average salary, including premiums. The result of the soccer team in last years' competition will be taken into consideration with regard to the calculation of the actual salary requirement. With regard to credentials of the foreign player, evidence is needed that the athlete played in a similar foreign league or competition, before the intended start of his soccer career in the Netherlands.

The Central Employment Office will usually not issue a work permit, which is applied for after the actual start of the season. Genuine availability of suitable local players during the season is virtually non-existent, so by applying for a work permit after the start of the season, the employer might be taking unfair advantage of this situation.

Your American player should apply for a work-based residence permit with the local Aliens Police, directly after his arrival in the Netherlands. The work permit can act as proof of his legal employment in the Netherlands. Besides that, the Aliens Police will ask for a statement by the team that employment has commenced (the so-called 'Werkgeververklaring'). American nationals are exempt from the MVV requirement ('Machtiging Voorlopig Verblijf'). They do not need to obtain this special Dutch entry visa before travelling to the Netherlands.

This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch rules and regulations regarding aliens, work permits, benefits, visas and residence permits are continuously subject to change.

Patrick R. Rovers, Lawyer with Van Velzen CS, 5 March 2002