



# Mobility Matters

## Olympic games 2024: Entry and work formalities for arriving foreign national workers

August 2024 | by Albane Eglinger, Xavier Carsin, and Pierre Malnati, KPMG Avocats in France (KPMG Avocats in France is a KPMG International member firm)

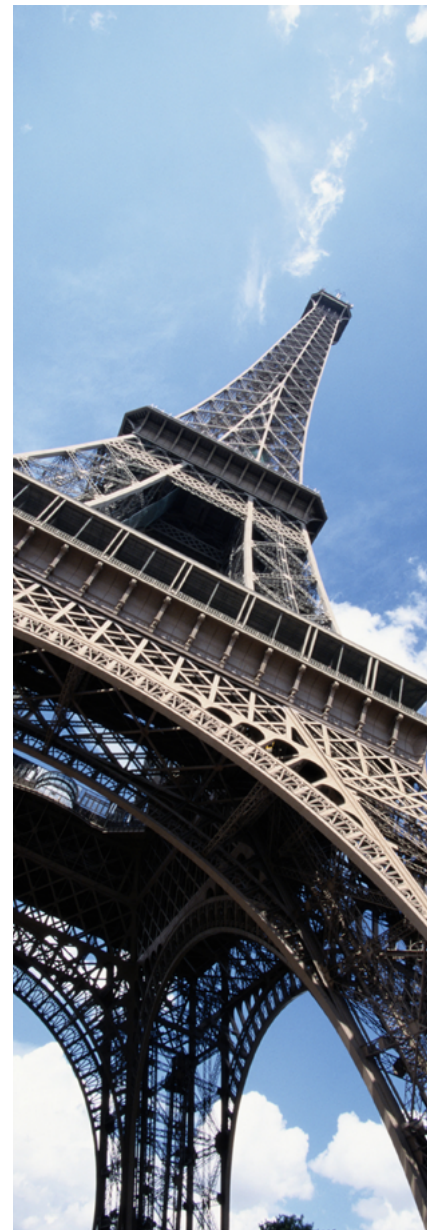


France hosted the Olympic Games from 26 July 2024 to 11 August 2024 and is hosting the Paralympic Games from 28 August 2024 to 8 September 2024. Many foreign nationals are expected to come to France—indeed, many have been arriving for several weeks now. The arrival in France of thousands of foreign nationals means that the French authorities have been attentive to the immigration and labour law requirements that apply to these inbound persons.

The French government has made some modifications to the country's immigration and labour practices and policies. As an example, an extraordinary and dedicated consulate ("the Olympic Consulate") was established in Nantes, France, to handle the immigration needs of members of the so-called "Olympic family"<sup>1</sup> ("membres de la famille olympique et paralympique"). Another example is the [France-Visas.gouv.fr](https://www.france-visas.gouv.fr) website, which has a facility set up for Schengen visa applicants who are requesting a visa type due to having been invited by the Organising Committee of the Olympic Games.

Because of the Games, the government is expecting a sizable influx of foreign national workers into France, in addition to the arrival of many foreign national workers in France, in addition to athletes, coaches, sporting organisation officials, sports-medicine professionals, and so on. Moreover, observers expect that certain sectors, such as private security, events management, and even the hotel and catering industry will see their activities increase considerably and could need to recruit foreign national employees.

Furthermore, many foreign companies (i.e., TV networks, the press, etc.) may need to send employees to perform services in France during the Games.





## Challenges

Two problems crop up as a result of this influx of foreign national workers, as well as athletes, coaches, team support personnel, etc.: The first concerns those who are entering France as employees who must, in principle, have a work authorisation to carry out a professional activity in France. The second concerns employers that may be temporarily posting their employees to France for work during the Games (or may be hiring foreign national workers temporarily for the Games). What rules need to be considered and complied with and what steps need to be undertaken? In this regard, it should be noted that the law relating to the Olympic and Paralympic Games

adopted by Parliament on 12 April 2023<sup>2</sup> does not include, apart from some exceptions to Sunday rest, measures concerning labour law and, more particularly, concerning formalities related to employee mobility. Common law therefore remains applicable.

Bear in mind that nationals of certain countries (members of the European Union, European Economic Area, and European Free Trade Association) or micro-states (e.g., San Marino, Vatican City, Andorra, and Monaco) generally enjoy freedom of movement and, where the rules permit, can enter



## Need for a work authorisation

While, as noted above, freedom of movement applies to nationals of a country of the EU, EEA, EFTA, or Switzerland, a “third-country” foreign national worker can, in principle, only carry out a professional activity in France if he/she has a work authorisation (art. L. 5221-2 and L. 5221-5 C. trav.). However, articles L. 5221-2-1 and D. 5221-2-1 of the Labour Code provide that a worker “who enters France in order to carry out salaried activity for a period of time is not subject to this requirement” if the duration is less than or equal to three months in the following areas: 1° Sports events [...]”

The exercise of a salaried activity by a foreign national worker during sporting events may therefore make it possible to waive the requirement for a work authorisation. It is important to nevertheless remain cautious regarding the scope of this exemption and the definition of the field of sporting events.

The Ministry of the Interior, in a circular of 2 November 2016<sup>3</sup>, specified that “both participants, such as athletes [...] and the people accompanying them are exempt from the obligation to hold a work permit and participate directly in the event or are accredited by the organisers: referees, coaches, doctors, sponsors, technical and organizing staff, etc.” The scope of the exemption is therefore limited to people participating directly in the Games and/ or those accredited by the International Olympic Committee (IOC). Apart from such individuals, however, work authorisation remains necessary.





## The secondment of employees by foreign companies



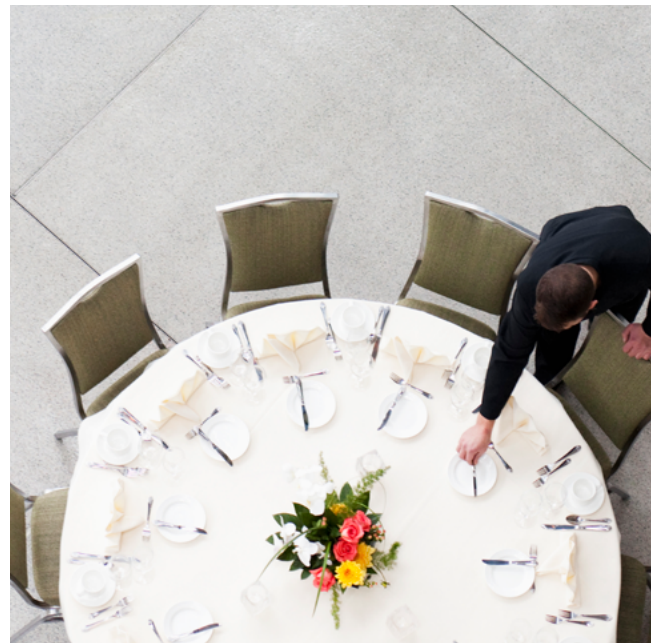
It is expected that many workers will be seconded by foreign companies to carry out work in France during the Olympic and Paralympic Games. During the period of secondment, the employment relationship remains subject to the legislation of the country of origin, but also applicable, as an additional “layer,” is a “hard core” of French labour law (art. L. 1262-1 C. trav.). Moreover, secondment implies compliance with certain formalities, such as the provision of a declaration prior to secondment (*declaration préalable de détachement* or “SIPSI declaration,” named after the dedicated platform—see <https://www.sipsi.travail.gouv.fr/auth/login>) and the appointment in France of a representative of the employer responsible for acting as a liaison with the French administration for the duration of the secondment (art. L. 1262-2-1, I and II of the Labour Code).

However, an exemption is provided for secondments in the context of “one-off events” concerning employees carrying out “one of the activities contained in a list established by order of the minister responsible for labour” (art. L. 1262-6 of the C. trav.). The decree of 4 June 2019,<sup>4</sup> stipulates in particular: “2° Athletes, referees, members of the sports supervision team, official delegates attached to the practice or organisation of sporting events, to the extent that the presence on the national territory is justified by the performance of the services does not exceed 90 days over 12 consecutive months. This exemption excludes the activities of assembly or dismantling of equipment or temporary installations,

catering, transport, surveillance and security of sites dedicated to sporting events. [...]” Thus, the exemption from labour/administrative formalities only concerns a very small number of people and is therefore limited to athletes, their supervisors/coaches, referees, and related officials. It should be noted that sponsors are not included in this list. Activities involving assembly and dismantling of equipment or temporary installations, catering, transport, surveillance, and security of sites dedicated to sporting events are also expressly excluded.

Even if an exemption is applicable, all individuals who are planning or seeking to undertake work activities are supposed to complete a Posted Worker Notification on the SIPSI platform prior to undertaking work. The SIPSI declaration and the designation of an employer representative in France will therefore be necessary for many employees seconded to France by foreign companies for the Olympic and Paralympic Games.

Third-country foreign nationals (those who are not nationals of the EU, EEA, or Switzerland) coming to work in France for the Olympic Games, must be in possession of a work permit before starting work activities.





## Conclusion

Challenges and opportunities come with the arrival in France of thousands of people tied either to the athletes competing in the Games—either the Olympics or Paralympics—or to the Games themselves (providing support, services, etc.). These inbound foreign nationals are required to navigate the sometimes cumbersome rules around work permissions and immigration if they are coming into France whether they are competing in athletic events, supporting the athletes (as team officials, staff, attendant doctors, therapists, etc.), and/or are undertaking work activities in France. This also has presented French policymakers with challenges and opportunities, as they seek to foster the smooth processing of visa applications, ascertain and ensure labour needs are met, facilitate entry to the country, and monitor compliance around immigration and

work authorisation formalities. Any of the individuals for whom the completion of necessary formalities is required should be consulting with their qualified immigration counsel.



This article is excerpted, with permission, from “JO 2024 : Quelles formalités à respecter pour la venue de travailleurs étrangers?,” published (in French) in April 2023 by KPMG Avocats in France. (See: <https://kpmg.com/av/fr/avocats/eclairages/2023/04/jo-2024-formalites-pour-la-venue-des-travailleurs-etrangers.html>)

### Footnotes:

<sup>1</sup> For more details about this, see the question/answer session in the French Senate (in French)—« Consulat olympique » en activité depuis le 1er janvier 2024, Question écrite n°09919—16e législature—at: <https://www.senat.fr/questions/base/2024/qSEQ240209919.html>.

For other information, see: [https://visas-fr.tlscontact.com/olympic\\_games/ma/maOUD2fr](https://visas-fr.tlscontact.com/olympic_games/ma/maOUD2fr). Please note that by clicking on this link you are leaving the KPMG website for an external site (non-governmental, non-KPMG), that KPMG is not affiliated with nor does KPMG endorse its content. The use of the external site and its content may be subject to the terms of use and/or privacy policies of its owner or operator.

<sup>2</sup> See *Loi n° 2023-380 du 19 mai 2023 relative aux jeux Olympiques et Paralympiques de 2024 et portant diverses autres dispositions*.

For text and history of the law, see the French Senate’s website (in French) by clicking [here](#).

<sup>3</sup> *Circulaire relative à la dispense d’autorisation de travail pour les séjours inférieurs ou égaux à 3 mois, pour les étrangers, ressortissants de pays tiers, venant sur le territoire français en vue d’y exercer une activité professionnelle salariée*.

<sup>4</sup> *Arrêté du 4 juin 2019 établissant la liste des activités mentionnées à l’article L. 1262-6 du code du travail*.

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