

# TOURING ARTISTS

INFORMATION FOR  
ARTISTS AND  
CULTURE PROFESSIONALS  
FROM **TURKEY**

[WWW.TOURING-ARTISTS.INFO](http://WWW.TOURING-ARTISTS.INFO)

a .IGBK



**TOURING  
ARTISTS**

# WELCOME: TURKEY

## INFORMATION FOR ARTISTS AND OTHER PERSONS ENGAGED IN THE CULTURAL SECTOR FROM TURKEY

On these pages, touring artists provides information for artists and other persons engaged in the cultural sector from Turkey who come to Germany temporarily to work or who (want to) stay in the Federal Republic of Germany for a longer period. The information is also relevant for organizers in Germany collaborating with colleagues from Turkey.

What should be considered and organized with regard to entry, residence, and work permit? What should be done in case of illness? Which tax aspects are relevant? How are professional equipment, musical instruments, and artworks cleared through customs? These and many other aspects are explained.

Turkey has concluded a treaty of association with the EU - what does that mean exactly?

## TOURING ARTISTS HELPDESK SERVICE

Artists and persons engaged in the cultural sector from Turkey can also seek personal advice concerning cross-border projects and working in Germany.

Consultations are currently being offered in Berlin by employees of the freelancer's cooperative SMARTDE – NETZWERK FÜR KREATIVE E.V. Consultations via telephone or Skype are also possible. These consultations are free of charge. For inquiries regarding appointments, please send an email to [beratung\[at\]touring-artists.info](mailto:beratung[at]touring-artists.info).

Further information can be found at [WWW.TOURING-ARTISTS.INFO](http://WWW.TOURING-ARTISTS.INFO)

**touring artists is a joint project of the Internationale Gesellschaft der Bildenden Künste (IGBK) and the International Theatre Institute in Germany (ITI), initiated and supported by the Federal Government Commissioner for Culture and the Media BKM.**

**The touring artists helpdesk service is a cooperation of IGBK and ITI with SMartDe - Netzwerk für Kreative e.V.**

# EU ASSOCIATION AGREEMENTS

## WHAT DOES IT MEAN WHEN COUNTRIES ARE ASSOCIATED WITH THE EU?

An Association Agreement is an international treaty between the European Union or the European Economic Community (EEC) and a third country. In entering into this agreement, both parties establish a special kind of relationship and basis for cooperation. However, the content and objectives differ from agreement to agreement. Particularly close economic cooperation with the aim of establishing largely unrestricted trade between the participating countries and eliminating limitations on the movement of goods is a common key aspect of the mutual special status established through the agreement. However, agreements may also include cooperation on the issues of work and social affairs and regulations on political dialog.

### EU Association Agreements and objectives

The objectives of EU and EEC Association Agreements vary widely and have varied widely in the past: For **Greece**, the Association Agreement of 1961 was a precursor to EU accession in 1981. The agreement aimed at the country's economic rapprochement with the EU. The agreements with **Malta** and **Cyprus** were concluded in the early 1970s and initially aimed at allowing for a customs union. Looking back, it is clear that they facilitated the later accession of both countries.

**Europe Agreements:** After the upheavals in Central and Eastern Europe in 1989, the EU concluded what are known as Europe Agreements with Poland, Hungary, the Czech Republic, Slovakia, Bulgaria, Romania, Slovenia, Estonia, Latvia, and Lithuania.

Objective: the creation of a free trade zone, EU membership is sought for the partner states, accession association; the countries finally acceded in 2004 and 2007 respectively.

**Agreements with ACP countries** (countries in Africa, the Caribbean and the Pacific);

Objective: introduction of a common external tariff and action preferences with the EU, promotion of the economic development of the partner states, development-based association.

**European-Mediterranean partnership** with Tunisia, Israel, Morocco, Jordan, Egypt, and Algeria

Objective: as with the Europe Agreements, the objective here was the establishment of a free trade zone, but without the prospect of accession.

**European Free Trade Association (EFTA)** with Norway, Iceland, and Switzerland

Objective: promotion of free trade while at the same time adapting the legal system to reflect Community law → free trade association.

**Eastern Partnership** with Armenia, Azerbaijan, Georgia, Moldova, Ukraine, and Belarus

Objective: intensification of the political dialog, establishment of free-trade agreements.

## THE ASSOCIATION AGREEMENT BETWEEN THE EU AND TURKEY

The EEC had already signed an Association Agreement with Turkey in 1963 (the second agreement after the one concluded with Greece in 1961); this agreement was subsequently supplemented by various additional protocols and resolutions. The primary aim of the Association was and is the strengthening of trade and economic relations. The resolutions were aimed at ensuring the free movement of workers and were also intended to prepare the way for Turkey's accession to the EU. By entering into the agreement, Turkey initially committed itself to gradually establishing freedom of movement and to aligning itself with a common customs tariff. The text of the agreement can be found [HERE](#).

Since 1998, the European Commission has been publishing a regular 'Report on Turkey's progress towards accession'. In 1999, it was acknowledged that Turkey should be granted the status of an accession country. It was emphasized that accession negotiations could only be started once certain political criteria had been met. The opening of the accession negotiations was finally approved by the European Council in 2005.

The initiation of accession negotiations with Turkey was a controversial development. Reasons for this include, among others, the ongoing Cyprus conflict and human rights violations. Since the attempted coup in Turkey in 2016 and the constitutional referendum in 2017, there have been increasing calls within the EU for the suspension of the accession negotiations - but so far, these have had no serious consequences for Turkey.

This [WIKIPEDIA ARTICLE](#) (German language) offers a fairly comprehensive overview of Turkey's accession negotiations with the EU.



## Freedom of movement: right to employment for workers - no special rules on residency

The Association Agreement regulates the right to employment for workers, but not the right of residence. With regard to the initial entry to Germany, the conditions of the right of residence (in accordance with the Residence Act (AufenthG)) apply, just as they would for other third-country nationals. The privileges of the Association, which include a right to extend one's stay, can be availed of only after a lawful initial entry and subject to the acquisition of a residence permit.

The legal situation of Turkish workers was regulated in 1980 in [DECISION 1/80](#) regarding the Association Agreement. The following applies to Turkish workers in Germany:

- after one year of dependent employment subject to social insurance, the work permit may be renewed to allow the worker to work for the same employer;
- after three years of employment with the same employer, workers from Turkey may apply to any vacancies in Germany in the occupation/area of employment in which they have worked to date;
- after four years of employment in the same occupation/area of employment, they may pursue any salaried employment and apply to any vacancy in Germany.

These requirements apply to dependent employment only. Other regulations are in place for self-employed persons, such as the "standstill clauses" (for further information, please see below: Entry, residence, and work permit).

## Customs

The EU-Turkey customs union was established in 1996 through what is known as the Ankara Agreement ([ANKARA AGREEMENT, ABL L 217 OF DECEMBER 29, 1964](#)). This agreement established a common customs territory: Since then, goods produced in or imported into the customs territory and cleared by customs may be transferred to other parts of the customs union without being subject to customs duties. Furthermore, a common external tariff was introduced (for more information on this topic, please see below: Transport and customs).

# ENTRY, RESIDENCE, AND WORK PERMITS

Turkish citizens need a visa to enter Germany or the Schengen area. What categories of visa are there?

A **Schengen visa** entitles its holder to a stay within the entire Schengen area for up to 90 days in each 180-day period. It can be issued for a maximum period of five years.

A **national visa (D visa)** entitles its holder to enter Germany for stays lasting more than 90 days, for example for family reunifications, work, or university studies in Germany.

## SHORT STAY (LESS THAN 90 DAYS IN EACH 180-DAY PERIOD)

---

### SCHENGEN VISA

Schengen visas entitle their holders to spend up to 90 days in any 180-day period within the entire Schengen area. They can be issued for a maximum period of five years. The "90 days in any 180-day period" rule means that a "flexible backwards look" is applied (calculated backwards from the date of the check).

Further information can be found on the website of the [GERMAN FEDERAL FOREIGN OFFICE](#).

The Schengen visa must be requested from the destination country. If the journey involves several Schengen countries, the state that is the primary destination in terms of purpose and duration is responsible for issuing the visa. If no primary destination can be determined, the visa must be requested from the first destination country.

Providing false information regarding the destination or false flight and accommodation documents to a Schengen country when applying for a visa may result in rejection of the application. Border police also check the visa at entry

and may refuse entry or even initiate criminal proceedings if a visa has been obtained under false pretenses.

Further information and a list of FAQ about the Schengen visa can be found at the webpage of the Federal Foreign Office [HERE](#).

## iDATA – Applications and appointments

The external service provider iDATA collects the data on behalf of the German missions abroad. However, the decision concerning whether to grant a visa lies with the German missions abroad. If Germany is the primary destination, applications may be submitted to any iDATA office, which will automatically forward them to the visa center responsible for the applicant's place of residence. Anyone applying for a visa for the first time must appear at an iDATA office in person. Applicants who have provided fingerprints to apply for a Schengen visa within the past five years, however, do not need to make a personal appearance at an iDATA office but may file their application through an authorized representative. iDATA offers a free appointment scheduling system on its website. Appointments can be scheduled in Turkish, German, and English. Applicants will receive a confirmation by e-mail and may subsequently change or cancel appointments.

The iDATA information hotline, which assists with visa questions, can be reached at the following numbers; questions can be answered in Turkish, German, and English:

Turkey:	08504608493 (0850460VIZE)
Abroad:	+90 212 970 8493

## Exemptions from the visa requirement for services, artistic performances, and scientific presentations

Turkish nationals are exempted from the visa requirement if they maintain their usual place of residence in Turkey and would like to visit Germany for a maximum period of two months to provide certain services or engage in paid artistic, scientific, or athletic work. Presentations and performances should be of particular artistic value ("particular artistic value" is defined as internationally known and recognized artists and artist groups whose performance or presentation sets itself apart from other artists in international comparison). Nevertheless, a (free) certificate for visa-free entry should be applied for in order to avoid time-consuming entry checks. Obtaining a visa waiver involves about the same degree of effort as a visa application. One prerequisite is an invitation from the organizer (original and copy) in German, which contains the following information:

- address and phone number of the organizer and the venue,
- type and duration (time frame) of the event,
- description of the role to be played by the applicant with regard to the event,

- type of fee/payment and amount payable,
- alternatively, other appropriate evidence of agreements with German institutions, e.g., framework agreements.

In addition, proof of the applicant's professional activity in Turkey must also be provided; for artists, for example, confirmation by the Ministry of Culture or similar bodies of memberships in artists' associations may be relevant.

### **Employment-related stays according to Section 30 BeschV (Ordinance on the Employment of Foreigners) with Schengen visa: requirements for artistic activities**

According to Section 30 of the BeschV, employment-related stays without a residence permit are permitted for certain activities if these activities are performed for a maximum of 90 days within a twelve-month period. According to Section 22 BeschV, this includes one to three artistic activities within the artistic field performed by people belonging to certain professions such as:

- persons, including their support staff, who, while maintaining their ordinary residence abroad, are engaged in lectures or performances of particular scientific or artistic value in Germany (provided that the duration of the activity does not exceed 90 days in a twelve-month period),
- persons engaged in festivals or music and cultural days or who are posted abroad for the purpose of guest performances or foreign film and television productions (provided that the duration of the activity does not exceed 90 days in a twelve-month period),
- persons who give daily performances for up to 15 days a year.

In addition to the general documents to be submitted, different documents may be required, depending on the purpose of the trip, e.g. a letter of invitation from the organizer, contract or invitation including the following information:

- address and contact details of the organizer and venue or premises in Germany,
- duration and type of the event,
- name, date, and role of the applicant,
- if applicable, statement on who will cover the cost of the stay.

Employees must also provide the following documents:

- letter from their employer in Turkey and/or leave permit,
- Social security confirmation: SGK entry confirmation and list of previous SGK times (SGK GİRİŞ and Hizmet dökümü),
- if the person is not an SGK member, notarized employment contract.



For business owners/self-employed persons:

- proof of registration in the Commercial Register of the Chamber of Commerce (copy, no older than six months) (Ticaret veya Sanayi Odası Sicil Kayıt Süreti),
- publication in the commercial register bulletin (copy, Ticaret Sicil Gazetesi),
- tax card (Vergi Levhası).

## Can a Schengen visa be extended?

Only in exceptional cases. Turkish nationals who are already in Germany on a C visa (Schengen visa) may only apply for a longer stay (residence permit) in exceptional cases (force majeure, humanitarian or serious personal reasons). A visa may also be extended if it could not be used for the full period originally granted because entry into the Federal Republic of Germany or another Schengen country was delayed. An expired Schengen visa cannot be renewed. For a longer stay, it is necessary to apply for a D visa (national visa) prior to entry.

The information sheet issued by the Berlin Foreigners' Registration Office on the extension of Schengen visas can be found [HERE](#).

## EXTENDED STAY (OVER 90 DAYS)

---

### NATIONAL VISA (CATEGORY D)

As a general rule, Turkish nationals need a national visa (D visa) for an extended stay/work stay in Germany. This visa must be requested in advance at a diplomatic mission (embassy or consulate general) of the Federal Republic of Germany in the applicant's home country or in the applicant's country of authorized residence. In addition, the issuing of a D visa usually requires the consent of the responsible foreigners' office, i.e. the authority of the town to which the applicant will move in connection with his/her residence in Germany. This authority will check whether the application meets the legal requirements – a process that can take up to three months (even longer in some cases) to complete after all the necessary documents have been submitted. The German diplomatic mission will notify the applicant as soon as a decision has been reached regarding the application; questions regarding the status of the application will not be answered during the processing period.

Checklists and additional information can be found at the webpage of the German diplomatic missions in Turkey [HERE](#) and [HERE](#) (German and Turkish language).

## Work permit with a national visa

A national visa can be requested for various purposes of stay. However, the activities permitted are limited to the status (employed or self-employed) applied for. A national visa can be requested for either a specific position with an employer or for a person in self-employment (one or more self-employed activities), which must be defined clearly in the application. Thus, if you are granted a residence permit for employment purposes, you cannot perform any self-employed activities – not even for clients in Turkey or in another country. Conversely, a residence permit for specific self-employed activities only permits the pursuit of the activities permitted and does not allow for employment or other self-employed activities. Before performing activities that are not listed in the residence permit, applicants must first ensure that these are approved by the Foreigners' Office.

## Extended-stay opportunities for self-employed persons

Employees benefit from the privileges laid out in the EU-Turkey Association Agreement for "Aufenthaltsverfestigung durch eine ordnungsgemäße Beschäftigung" ("Consolidation of stay due to lawful employment," see chapter on Association Agreements). Self-employed persons, however, must wait until further activities can be approved. According to Section 9 BeschV (employment in the case of periods of prior employment or extended prior stay), the Foreigners' Office can, upon request, implement a secondary provision that permits any kind of employment in addition to the primary self-employed activity. This is only possible for persons who have been allowed or tolerated in Germany or who have lived in Germany under a residence title for specific purposes.

After five years of authorized residence in Germany, an unlimited settlement permit may be applied for, which permits any kind of employment or self-employment. The previous residence permit must have been issued for employment, freelance work, cohabitation with a foreign family member, or for humanitarian reasons.

In order to qualify for this permit, the applicant must have proof of the following (among other things):

- sufficient German language skills (level B1),
- basic knowledge of the legal and social order and the living conditions in Germany,
- adequate health insurance coverage,
- retirement provisions (at least 60 months compulsory contributions or voluntary contributions to the statutory pension scheme or contributions towards the entitlement to claim for comparable benefits paid to an insurance company),
- a secure livelihood through own income.

Self-employed businesspeople may apply for the settlement permit after just three years. This does not apply to freelancers, however. Other rules apply to recognized asylum seekers and refugees, foreign graduates of German universities, family members of Germans, and holders of an EU Blue Card.

The [FEDERAL OFFICE FOR MIGRATION AND REFUGEES](#) provides additional information in this regard.

## Entry and stay with a national visa

The national visa initially regulates the entry into Germany and must be converted to a residence title for specific purposes at the Foreigners' Office at the new place of residence within the validity period of the visa. Therefore, it is important to remember to register with the registration office immediately after entering Germany and to make an appointment with the local Foreigners' Office!

Overview of [FOREIGNERS' OFFICES IN GERMANY](#).

## EU Blue Card

The EU Blue Card is a special residence title for "highly qualified" persons who have received a job offer. The application can be submitted in all EU Member States except Denmark, the UK, and Ireland.

Requirements:

- academic or equivalent qualification: German or recognized Turkish or equivalent foreign university degree,
- minimum salary: gross salary of at least 52,000 euros/year; exceptions: natural scientists, mathematicians, engineers, doctors, IT specialists: 40,560 euros (for this group: only after approval by the Federal Employment Agency, unless the university degree was obtained in Germany (Section 2 (1) No. 2b and (2) Beschäftigungsverordnung (German Employment Regulation)); for current minimum salary values see [HERE](#).
- employment appropriate to the individual's qualification(s): submission of an employment contract or a binding job offer,
- initial issuance: limited to a period of four years (exception: in the case of an employment contract that is concluded for a period shorter than four years, the residence title is granted for the duration of the employment contract plus three months).

## Does a residence title allow me to work anywhere in the EU?

No. You may stay in another country in the Schengen for up to 90 days in each 180-day period; information about possible reporting requirements and obtaining a work permit should be requested from the respective national

authorities.

Artists who have a residence and work permit for the Schengen area should note that this permit is not valid for a stay in the **UK** or **Ireland**! These countries are not part of the Schengen area and have their own rules regarding residence and work permits. Especially for the United Kingdom, it is imperative to apply for a work permit/certificate of sponsorship for artistic activities (including unpaid ones).

## Is there an artist visa for Germany?

No. There are no special rules for artists!

However, Berlin interprets the Residence Act (Section 21 (5) Residence Act) in a particularly artist-friendly manner. This is stated in the procedural information of the Berlin Foreigners' Office: "When it comes to artists staying in the city, it should always be assumed that the 'art and film capital Berlin' has a higher economic interest, which is likely to have positive effects on the economy likely and thus discretion should be exercised in favor of the foreigner. This may include visual artists as well as freelance musicians, actors, directors, etc. Even artists that are not yet well-known but that are particularly creative should be granted a stay within the framework of Section 21 (5) Residence Act." (Source: [WWW.BERLIN.DE/LABO/WILLKOMMEN-IN-BERLIN/SERVICE/DOWNLOADS/ARTIKEL.274377.PHP](http://WWW.BERLIN.DE/LABO/WILLKOMMEN-IN-BERLIN/SERVICE/DOWNLOADS/ARTIKEL.274377.PHP)) This may facilitate the acquisition of a residence and work permit for artists.

**Note:** Artists who are granted a work permit in Germany should be aware that this permit is not valid for every activity but only for the activity outlined in the application and listed in the residence title – this may be a clearly defined self-employed activity or a term of employment defined in a work contract. Other activities are not permitted!

## Information and tips for the application process

- Allow at least six weeks for the visa process.
- The visa processing time may depend on the "importance" of the person.
- If the applicant's stay in Germany is sponsored by the public authorities, an official letter from the sponsoring bodies will be helpful and should be enclosed with the visa application (together with evidence of the approval of funding for the artist).
- Important: If the application is not submitted at the place of residence, you must allow for the additional time it takes to deliver the application from the iDATA office to the responsible visa office! For example, if the Izmir Consulate General is responsible, but the application is submitted in Trabzon or Gaziantep, the respective mailing time must be added to the 15-day processing time.
- German diplomatic missions do not work with intermediaries or agencies; such agencies have no special access with regard to the allocation of

appointments. The only fees for the procedure are the visa fee charged by the diplomatic mission and the service fee of the external service provider iDATA (24.80 euros to 26.30 euros). Application forms, checklists, and appointments are provided free of charge.

### **My visa application was rejected – what can I do?**

You can request a review of the decision (remonstration).

Further information can be found at the webpage of the Federal Foreign Office [HERE](#).

## **SPECIAL RULES UNDER THE ASSOCIATION AGREEMENT**

---

### **"PRIVILEGES OF RESIDENCE UNDER EU ASSOCIATION LAW" – RIGHT OF RESIDENCE AND RIGHT TO EMPLOYMENT**

The Association Agreement between the EU and Turkey was concluded in 1963 (see EU Association Agreements). It regulates the right to employment but not the right of residence. With regard to the initial entry, the conditions of the right of residence (in accordance with the Residence Act (AufenthG)) apply, just as they would for other third-country nationals. The following privileges of the Association, which include a right to extend one's stay, can be availed of only after a lawful initial entry and subject to the acquisition of a residence permit:

Legal situation for workers – "Aufenthaltsverfestigung durch eine ordnungsgemäße Beschäftigung" ("Consolidation of stay due to lawful employment")

The legal situation of Turkish workers was regulated in 1980 in [DECISION 1/80](#) regarding the Association Agreement which states the following:

- after one year of dependent employment subject to social insurance contributions, the work permit may be renewed to allow the worker to work for the same employer,
- after three years of employment with the same employer, workers from Turkey may apply to any vacancies in Germany in the occupation/area of employment in which they have worked to date,
- after four years of employment in the same occupation/area of employment, they may pursue any salaried employment and apply to any vacancy.

These requirements apply to dependent employment only. In addition, freedom of movement applies only within the EU Member State in which the employee lives, but not beyond.

CHECKLISTS provided by the German diplomatic missions in Turkey.

## Legal situation for self-employed persons

The so-called "standstill clauses" (StillhalteklauseIn or also StillstandsklauseIn), which are contained in Article 41 (1) ZusProt (Additional Protocol), are relevant to self-employed persons, because they prohibit regulations that would have a negative impact on the legal conditions for access to the labor market or the settlement permit after the respective additional protocols enter into effect. Due to this rule, Turkish nationals are exempted from the visa requirement if they wish to spend a maximum of two months in Germany for the purpose of providing services or engaging in artistic, scientific, or athletic work (see above).

## INFORMATION

---

**Federal Office for Migration and Refugees** – INFORMATION

**German diplomatic missions in Turkey** (German and Turkish language) – LIST

## CONSULTATIONS IN BERLIN

**Berlin Welcome Center** – FOR IMMIGRANTS IN BERLIN

**Legal advice at the Foreigners' Office** – Free of charge, regardless of nationality, not limited to matters of immigration law, consultations offered in various languages. Dates and further information can be found [HERE](#).

**The Turkish Union in Berlin-Brandenburg** – CONSULTATIONS ON FOREIGNERS' RIGHTS



# TAXES: INCOME TAX AND VALUE ADDED TAX

The subject of taxation is very complex - in particular when it comes to cross border work or to settling down in a new country.

In the following you will find information

- for self-employed artists who live in Turkey and have contracts with business owners resident in Germany or perform in Germany (Turkish residence: income tax and Turkish residence: VAT) and
- for self-employed artists who are moving from Turkey to Germany (Taxation when resident in Germany).

## TURKISH RESIDENCE: INCOME TAX

---

The question that always arises is where the income must be taxed in the case of cross-border activities.

Similar principles apply worldwide in this regard. A distinction is made between the country of residence - the country in which a person spends the greater part of the year - and the source country - the country in which a person gives a guest performance or participates in an exhibition.

## UNLIMITED TAX LIABILITY IN THE COUNTRY OF RESIDENCE

The country of residence is the country in which a natural person has his/her permanent residence or place of habitual residence, i.e. the country in which a person lives for a continuous period of more than six months per year. The country of residence is used, for example, to determine tax liability or jurisdiction. Artists are generally considered as having unlimited tax liability in their country of residence and their worldwide income is taxed there. When a person moves from Turkey to Germany, Germany becomes their new country of

residence, meaning that the German fiscal authorities may tax the income earned worldwide. It is therefore not possible to freely decide in which country income tax will be paid on which income.

## LIMITED TAX LIABILITY IN THE SOURCE COUNTRY

Artists who work outside their country of residence must check whether they must pay taxes abroad for their work abroad (source country); here: Germany.

## "FOREIGNER TAX": WITHHOLDING TAX FOR THE PAYMENT DEBTOR PURSUANT TO SECTION 50A OF THE GERMAN INCOME TAX ACT (ESTG)

Section 50a [ESTG](#) stipulates that tax must be deducted at the source for certain types of income in Germany. This tax is also known as "foreigner tax."

Accordingly, the payment debtor (i.e. the contracting entity in Germany) must deduct and withhold the tax from the fee and pay it to the [FEDERAL CENTRAL TAX OFFICE \(BZST\)](#). This deduction of tax at source applies in particular to

- income derived from artistic performances in Germany , including income from other services related to those performances, c.f. Section 50a (1) item 1 EstG;
- income from the exploitation of performances given in Germany, for example the broadcasting of a performance on the radio, c.f. Section 50a (1) item 2 EstG;
- income derived from fees for the granting of rights of use, for example with regard to a stage version, a musical piece, a set design, etc. that are exploited in Germany, c.f. Section 50a (1) item 3 EstG.

## WHEN IS NO TAX DEDUCTED AT SOURCE?

### Mitigation rule pursuant to Section 50 a EstG

No foreigner tax is levied for fees of up to 250 euros (gross fee agreement) per person per performance (per artist in the case of partnerships (private corporation/GbR), per legal entity in the case of liability companies (GmbH, association, and the like). In accordance with previous case law, rehearsal fees and performance fees are treated as a single payment (Federal Fiscal Court (BFH), Decision of March 30, 2011 – I B 178/10 – Previous instance: Saxon Fiscal Court, Decision of June 24, 2010 – Ref. no.: 2 K 1022/10; Blümich Wied, 134th edition. 2016, EstG Section 50a Para. 42 and 47).

The exemption threshold only applies to performances and not to rights of use.

## **Tax abatement pursuant to Section 50 (4) EStG in conjunction with the Kulturatorchestererlass (Cultural Orchestra Regulation) – provided that no other exemptions apply under the relevant DTA (see below)**

Foreign cultural associations (the subject of how many people have to be part of a cultural association in order for it to qualify as one is a much-disputed one; definitely no solo artists!) can be exempted. At least one-third of the funding for the performance must come from domestic or foreign public funds.

## **Exemption based on DTA pursuant to Section 50d EStG**

Germany has concluded a **DOUBLE TAXATION AGREEMENT (DTA)** with Turkey in order to avoid double taxation. As part of this DTA, Germany has agreed with Turkey which country has the right of taxation in cases where natural persons or legal entities earn income in a country other than their country of origin or residence. If Section 50a EStG deviates from the DTA, an exemption from the obligation to pay foreigner tax may be requested from the Federal Central Tax Office (BZSt). Deduction of tax at source can only be waived or reduced if the person is in possession of an exemption certificate from the BZSt.

This applies, in particular, to the following circumstances:

- **Publicly funded events**  
According to Article 17(3) of the DTA, an exemption from the obligation to pay income tax in Germany can be applied for if the performance was financed predominantly with public funds from the country of residence (here: Turkey) or predominantly by an institution recognized by the country of residence as a non-profit organization. In this case, the income may be taxed exclusively in the country of residence. To facilitate this, the organizer based in Germany must apply for an exemption. The respective form can be found [HERE](#) under the heading "Künstler/Sportler" ("Artists/Athlets"); an English version is available.
- **Granting of rights of use**  
When granting rights of use, taxation at a rate of just 10% may be applied for pursuant to Article 12 of the DTA. This is a lower tax rate than that stipulated in Section 50a EStG. If an exemption is granted, a tax rate of 10% applies.

## **IMPORTANT WHEN NEGOTIATING FEES: TAX RATE AND TAXABLE BASE**

The way in which the tax is calculated depends on whether the contracting parties have agreed on net or gross remuneration. The foreigner tax amounts to 15.825% of the gross fee or 18.80% of the net fee.

Further information on the tax rate, the taxable base, and the wording of the

agreement can be found at touring artists in the section **INCOME TAX** and in the **CHECKLIST "FOREIGNER TAX" PERFORMING ARTS**.

## CREDITING OF TAXES PAID IN GERMANY IN TURKEY

Article 22 of the DTA stipulates that the "foreigner tax" is to be credited against the tax payable in Turkey (tax credit method). The artist needs a **CONFIRMATION** of the taxes paid in Germany to ensure that they can be credited in Turkey.

**Note:** If the artist has earned so little that he/she does not have to pay any taxes in Turkey or if the taxes paid in Germany exceed the taxes in Turkey, he/she will not receive a refund for the taxes paid in Germany (not even in Turkey).

## TURKISH RESIDENCE: VAT

---

In the case of contracts between two persons resident in Germany, the person providing the service, writing the invoice, and receiving the fee must usually take care of the VAT. This changes when a contract is concluded between a company in Turkey and a company in Germany.

First, the question arises as to where VAT must be paid:

If clients based in Germany (e.g., venues, artists, event organizers) commission a contractor in Turkey (e.g., artist, technician) to provide a service in Germany (e.g., performance, sound engineering services, granting of rights of use, etc.), VAT must be paid in Germany if both parties are businesses.

For artists, this results from Section 3a(2) **USTG** (headquarters of the recipient), for sound engineers from Section 3a(3) item 3 **UStG** (place of performance), for the granting of rights of use from Section 3(2) **UStG** (headquarters of the recipient).

Subsequently, it is necessary to determine who must pay VAT. For B2B transactions (business-to-business), it is not the contractor in Turkey, but the client in Germany who has to pay the VAT in Germany: the tax liability is reversed. (Section 13b(5) **UStG**, reverse charge procedure).

This means that the clients in Germany are obliged to pay VAT on the fees they pay to artists. In this case, these clients are liable to pay VAT even if they do not pay VAT on their own income - for example, if they are a cultural organization that is exempt from VAT (Section 4 item 20a **UStG**) or do not charge VAT as a small business pursuant to Section 19 **UStG**.

## HOW CAN I WRITE INVOICES FOR CLIENTS IN GERMANY (IF I AM BASED IN TURKEY)?

The invoice of the contractor based in Turkey must include certain information (full name and address of the self-employed person issuing the invoice as well as the full name and address of the customer (the "beneficiary"), issue date of the invoice, invoice number, quantity and description of the goods delivered or the type, location, and scope of a miscellaneous service, exact date of delivery or service).

However, no VAT should be listed on the invoice under German law. It is advisable to add the following sentence to the invoice:  
"Place of performance is Germany. According to Section 13b(5) UStG, the client in Germany must pay VAT in Germany (reverse charge procedure)."

## TAXATION WHEN RESIDENT IN GERMANY

---

Which taxes and procedures apply when changing my residence from Turkey to Germany?

### REGISTERING THE ACTIVITY

When registering a residence in Germany for the first time, a tax identification number is automatically assigned and mailed to the registered address. This tax identification number is valid for life. Self-employed persons must also report the start of their activity to the responsible tax office using the "Fragebogen zur steuerlichen Erfassung" (tax registration) form, which must be sent to the local tax office. A personal tax number (not to be confused with the tax identification number!) will then be issued, which is valid for the registered activity and is associated with the respective local tax office. A new tax number will be issued if you move to the catchment area of another tax office or change your activity. Invoices pertaining to self-employment activities may only be issued if they include a valid tax number or, if available, the more anonymous VAT identification number!

### WRITING INVOICES AS A SELF-EMPLOYED PERSON

An invoice must contain the following information:

- Full name and address of the self-employed person issuing the invoice as well as the full name and address of the customer (the "beneficiary")

- Tax number (or VAT identification number)
- Issue date of the invoice
- Consecutive invoice number (the numbering system can be chosen freely)
- Quantity and description of the goods delivered or the type, location, and scope of a miscellaneous service (e.g., performance or workshop)
- Exact date of delivery or service (e.g., workshop on August 8, 2018)
- VAT information: for services with differing VAT rates, breakdown of the various fees and rates; for small businesses, a note that the VAT is not listed according to Section 19 Value Added Tax Act (see below); for exempt transactions, note explaining the circumstances behind the exemption; for invoices for foreign recipients, a note regarding the reverse charge procedure if necessary

Invoice templates can be found at touring artists [HERE](#) (in the right column).

## TWO TYPES OF SELF-EMPLOYMENT: FREELANCERS AND BUSINESSPERSONS

The German system differentiates between freelancers (freelance professions are sometimes also referred to as "catalog professions") and "businesspersons." Artistic occupations usually belong to the freelance professions, provided that the focus is on the artistic act. While freelancers must only apply for a tax number at the tax office, businesspersons must also register their activity with the trade office or regulatory agency and become members of the [CHAMBER OF INDUSTRY AND COMMERCE \(IHK\)](#).

Businesspersons must pay an additional tax if their profit exceeds 24,500 euros per year. This tax is called business tax (Gewerbesteuer) and varies from region to region.

**Note:** certain activities that are often performed by artists are nevertheless classified as "commercial ." These include operating a music label, distributing sound recordings, and selling fine art at a market - an activity that often requires a travel trading license. If a residence permit only allows for "freelance" activities, such commercial activities are not permitted.

More information on the distinction between freelancers and businesspersons can be found at touring artists [HERE](#).

## EMPLOYERS' LIABILITY INSURANCE ASSOCIATION

According to SGB VI Section 192, businesspersons must also register with the responsible professional association.



## MEMBERSHIP IN PROFESSIONAL ASSOCIATIONS

A number of freelance and commercial activities are associated with compulsory membership in professional associations. In addition to the membership in the IHK for all businesspersons, membership obligations exist for the following professional groups: craftpersons, physicians, architects, notaries, and lawyers.

## "PSEUDO SELF-EMPLOYMENT"

Fee contracts are often concluded even though the contractual relationship actually corresponds to employment subject to social security contributions (also "pseudo self-employment). The parties often prefer to conclude fee contracts in order to avoid having to pay their share of the social security contributions. If an audit by the pension insurance or health insurance bodies leads to the conclusion that an employment contract should have been concluded, the employer may be liable for substantial back payments and face criminal charges in individual cases.

**Note:** Even if one has multiple clients, this does not automatically mean that an employment relationship cannot be classified as "pseudo self-employment." The decisive factor is being treated as an employee in an employment relationship even though you are officially self-employed.

More information on the distinction between self-employed and employed status can be found at touring artists under [STATUS OF THE ARTIST AND CONTRACTS](#).

Further information is provided by the Deutsche Rentenversicherung (German Pension Insurance) [HERE](#) and [HERE](#) (in German language only).

## INCOME TAX WHEN RESIDING IN GERMANY

In the case of employment relationships, the employer withholds the income tax. Even if not all employees are required to submit a tax return, the employer usually submits an income tax return to the responsible tax office once a year to reclaim taxes already paid if additional business expenses (e.g., advertising costs) have been incurred. The tax year is usually the same as the calendar year; the tax return for the previous year is due on May 31 (from the 2018 tax year on, the date will be July 31, 2019).

Self-employed persons must submit an annual tax return. Unlike in Turkey, Germany has no "Stopaj" system, where the income tax must be listed on the invoice by the service provider. The tax year is usually the same as the calendar year and the tax return for the previous year is due on May 31 (from the 2018 tax year on, the date will be July 31, 2019). If a tax consultant is hired to file the tax return, the deadline is extended to December 31 (from the 2018 tax year on:

February 28/29 of the second subsequent year). If the taxable income is below 9,000 euros (2018), the income tax rate is 0%, i.e. no income tax must be paid. Nevertheless, a tax return must be submitted, otherwise the tax office may use its own estimate as a basis and possibly demand that income tax be paid.

Income tax rates are progressive, but there are no precisely defined graduated percentages as in Turkey.

**Note:** If a person has different types of income (e.g., self-employment, employment, partnership holdings, and tax-free income), all of the income is added to calculate the income tax rate.

The amount of income tax to be paid can be calculated [HERE](#) (in German language).

Tax returns can be submitted online via the [ELSTER PORTAL](#). However, advice may be sought from an authorized tax advisor to help with filing a tax return and assist with deducting business expenses and communicating with the tax office. Some tax consultants specialize in working with artists. When first contacting a tax consultant, it is advisable to inquire whether an initial consultation is subject to a fee.

## VALUE ADDED TAX

Self-employed persons subject to VAT must add VAT to their invoices – if VAT applies – and pay this VAT to the tax office. At the beginning of a self-employment, the tax office usually requires monthly VAT returns and payments; later, the tax office may change the intervals to quarterly or annual returns and payments for a small or medium turnover. The regular VAT rate is 19%, while the reduced VAT rate is 7%.

The following are examples of services to which the reduced VAT rate applies:

- the sale of works of art – provided that the creator sells her\*his work directly to the client (note that the reduced VAT rate is no longer applicable to gallery owners and art dealers), cf. Section 12(2) item 13 UStG;
- entrance fees to museums, theater performances, concerts, and comparable performances by performing artists, cf. Section 12(2) item 7a UStG;
- granting of rights of use, cf. Section 12(2) item 7c UStG.

**Note:** artists and creatives, like all other entrepreneurs, are responsible for collecting VAT, i.e. determining when and how much VAT must be charged and paid to the tax authorities. The advantage for artists subject to VAT is that they can reclaim any VAT they themselves have paid on business expenses from the tax office. Self-employed persons subject to VAT are assigned an international VAT identification number by the tax office, which is important for EU-wide billing and can be used on invoices instead of the tax number.

More information at touring artists [HERE](#).

## "Kleinunternehmerregelung" (Small business regulation)

In the "Fragebogen zur steuerlichen Erfassung" (tax registration) form, self-employed persons have the option of classifying themselves as a "small business" if their expected annual turnover (not profit!) does not exceed 17,500.00 euros. The advantage here is that invoices can be issued without listing VAT and that no VAT returns need to be submitted as a result. Since no VAT is charged, small businesses are cheaper for those clients who cannot reclaim VAT on business expenses from the tax office (for example, other small businesses or VAT-exempt associations). The disadvantage, in turn, is that any VAT paid on business expenses cannot be reclaimed from the tax office.

The turnover limit of 17,500.00 euros includes all sales from all self-employed activities but not income from employment, public funding, or profits from partnerships. If the self-employment does not start at the beginning of the year, the turnover is extrapolated: If, for example, the activity starts on July 1, the turnover limit amounts to 8,750.00 euros.

If the turnover limit is exceeded in a year, VAT must be added to all invoices starting the following year.

Invoices issued by small businesses must contain a note stating that no VAT is being charged pursuant to Section 19 UStG.

More information on the small business regulation at touring artists [HERE](#).

## Exemption

According to Section 4 No. 20a UStG, revenues generated by the following institutions of the Federal Republic, Federal States, municipalities, and municipal associations are tax-free: orchestras, chamber music ensembles, choirs, theatres. Revenues generated by institutions of the same type belonging to other companies may also be exempt from VAT, provided that the competent authority certifies that the institution in question fulfills the same cultural functions as the institutions listed above.

More information at touring artists [HERE](#).

# SOCIAL SECURITY

What must Turkish artists and persons engaged in the cultural sector – employees or self-employed persons – consider with regard to social security if they (want to) work in Germany temporarily? What must be done in the case of illness? And what can be done in terms of social security if their stay in Germany is longer-term?

Turkey and Germany have concluded a [GERMAN-TURKISH SOCIAL SECURITY AGREEMENT](#), which has been in effect since 1964 (Supplementary Agreement of 1987). Social security agreements define which legislation applies to cross-border activities and which branches of social security are covered. They are concluded so as to avoid overlap or double insurance. What does this mean specifically for artists and persons engaged in the cultural sector from Turkey who live and work in Germany?

## SOCIAL SECURITY IN TURKEY

---

The current Turkish social security system comprises four insurance classes: pension insurance, accident insurance, general health insurance, and unemployment insurance. No long-term care insurance provision is yet in place.

State social benefits in Turkey fall well below the German standard. The insurance available offers protection in case of illness, maternity, accidents at work, disabilities, and occupational diseases and provide for a pension, albeit often a small one. Since 2006, the sole social insurance institution in the country has been [SOSYAL GÜVENLİK KURUMU \(SGK\)](#). This institution is responsible for all other insurance classes other than unemployment insurance.

Many artists in Turkey do not have social insurance coverage. Since 2001, artists in Turkey have had the opportunity to take out private retirement insurance. Unlike statutory pension insurance, private pension plans are not compulsory. In principle, anyone can join the system. Legislators have merely stipulated that anyone wanting to benefit from the system must have reached the age of 18. Since legislators have not limited the scope, employees, civil servants, artists, self-employed persons, housewives, the unemployed, and other groups of people who do not work may join the system. Since 2012, the country has been paying an amount equal to 25 percent of the contributions made into the pension system.

Information is available on the website of [TURKEY'S SOCIAL SECURITY INSTITUTE](#).

Also worth reading: Max Planck Institute for Social Law and Social Policy, [SOZIALE SICHERHEIT IN DER TÜRKEI – GRUNDLAGENBERICHT](#), 2016 (German language).

## TEMPORARY STAY IN GERMANY

---

### THE GERMAN-TURKISH SOCIAL SECURITY AGREEMENT

The [GERMAN-TURKISH SOCIAL SECURITY AGREEMENT](#) comes into play when artists and persons engaged in the cultural sector who are covered by Turkish social security legislation work temporarily in Germany:

If a Turkish artist works in Germany, German social security legislation must be applied initially, as the decisive factor with regard to the respective legal system to be applied is always the place of employment. In order to prevent workers from having to pay social security contributions in both Turkey and Germany, specific rules of jurisdiction apply in relation to Turkey, which are regulated by the 1964 German-Turkish Social Security Agreement. This agreement applies to German and Turkish nationals.

The duration of an individual's temporary work stay in Germany must be limited in time in advance due to the nature of the work (e.g., in the case of a temporary project collaboration) or due to a contractual agreement. This allows for postings and self-postings; in other words, the person from Turkey may live and work in Germany but continues to be subject to Turkish social security legislation.

The Agreement regulates the legislation pertaining to

- health insurance, maternity insurance, insurance against occupational accidents and illnesses, invalidity insurance, old-age insurance, and survivors' insurance for employees,
- the pension fund for civil servants and federal employees,
- the pension insurance of craftsmen and self-employed persons in industry and agriculture,
- the social security funds that have been included in the social security system through social security legislation, as well as
- other social security institutions, if they have been established on the basis of social security legislation and are included in the social security system.

Unemployment insurance is not covered by the Agreement.

Unlike other social security agreements, the German-Turkish Social Security Agreement does not stipulate a specific time limit (e.g., 12 months) for continued application of the legislation of the country of origin. Your own insurance carrier can provide additional information.

## WHAT SHOULD SELF-EMPLOYED ARTISTS WHO HAVE HEALTH INSURANCE COVERAGE IN TURKEY DO IF THEY GET SICK?

Artists from Turkey are considered persons from a treaty state. If they require medical treatment during their temporary stay in Germany, they are free to seek medical help. However, they may only avail of a limited range of services – only treatments that cannot be postponed are permissible.

- The foreign health insurance institution (= responsible institution in Turkey) issues proof of entitlement (T/A 11 form). This form serves as proof of existing health insurance coverage in Turkey. Information about the T/A 11 form can be found [HERE](#).
- With this proof of coverage, the artist first contacts a health insurance fund of his/her choice at his/her place of residence (= assisting institution in Germany). This institution will either issue a billing slip, which will be presented at the practice during a necessary visit to the doctor, or, if the person is resident in Germany, a health insurance card. The chip in the card carries the additional information /SVA (= Sozialversicherungsabkommen). There are many different providers in Germany. Artists and persons engaged in the cultural sector from Turkey may use the following health insurance funds:
  - substitute health insurance societies (e.g., Techniker Krankenkasse, Barmer, GEK, DAK, KKH),
  - general local health insurance funds (AOK),
  - guild health insurance funds (IKK),
  - company health insurance funds (BKK),
  - German Federal Miners' Insurance Institution (Bundesknappschaft).
- Necessary treatments usually do not lead to any costs. However, certain benefits are subject to co-payments (deductibles) in Germany; more information can be found [HERE](#) (German language).
- Necessary drugs and therapeutic devices obtained in Germany must be approved by the selected German health insurance fund.
- Follow-up treatments by a specialist require a prescription, which must be submitted to the German health insurance fund.
- A certificate of inability to work can be issued by a physician. This certificate must be submitted to the employer and a copy sent to the German health insurance fund. The practices you attend will do this, if necessary.
- If a person has a medical condition prior to their stay in Germany that requires further treatment, the health insurance fund in Turkey must



authorize such treatment. Additional proof of coverage will be issued to this effect.

**Important:** If no billing slip from the German health insurance fund (that is, from the assisting institution) can be submitted during the physician's visit (but instead only proof of Turkish health insurance coverage is available), the fee and any drugs must usually be covered initially by the patient. The costs will be reimbursed if the billing slip is submitted by the end of the quarter.

Some proofs of coverage issued abroad indicate that, in urgent cases, a physician will be prepared to accept the certificate of coverage without requiring a fee and will obtain the billing slip from the chosen health insurance fund himself/herself. However, this is not always the case in practice.

## WHAT SHOULD ARTISTS EMPLOYED IN TURKEY BUT POSTED TO GERMANY DO IF THEY GET SICK?

When an employed artist is temporarily sent to Germany by a Turkey-based organization or company to work there on the company's behalf, this is referred to as "Einstrahlung." The posting period must be limited either contractually or inherently (e.g., for temporary project work or similar). No maximum duration is stipulated.

Such cases do not give rise to an employment relationship under German social security law. The German social security legislation does not apply to cases such as these. The employee does not have to be registered with the statutory health insurance, long-term care insurance, pension insurance, unemployment insurance, and accident insurance bodies in Germany. This applies regardless of whether sufficient insurance coverage is available in Turkey or not.

Even artists employed in Turkey can avail themselves of medically necessary services when posted to Germany. Proof of existing health insurance coverage must be provided. See comments above.

## LONG-TERM STAY IN GERMANY

---

### SOCIAL SECURITY IN GERMANY

Social security in Germany is divided into five areas: health insurance, long-term care insurance, accident insurance, pension insurance, and unemployment insurance. The legal basis for this is the German Social Security Code (SGB).

**Employees** are automatically compulsorily insured in Germany. Social security is organized by the employer, who calculates the contributions to the pension insurance, health insurance, unemployment insurance, and long-term care insurance contributions on a monthly basis from the gross salary based on the statutory rates, deducts half from the salary as the employee's share, and pays this to the health insurance company of the insured together with the employer's share. The health insurance company forwards the respective shares to Deutsche Rentenversicherung and the Federal Employment Agency (unemployment insurance).

From a certain income level (currently 4,950 euros gross/month), employees may switch to a private health insurance provider. Private insurers calculate the monthly contributions based on individual risk.

**Self-employed persons** usually have to take out their own insurance. Health insurance coverage is compulsory in Germany, i.e. self-employed persons must take out private health insurance or – if they meet certain conditions – insure themselves voluntarily through a statutory health insurance provider. Voluntary insurance through a statutory health insurance provider is possible if, for example, the automatic compulsory insurance coverage ends due to termination of an employment relationship and the employee was insured through the statutory health insurance scheme for a certain duration. Information about this can be found [HERE](#) (additional [DETAILS](#)) – in German language only.

Long-term care insurance also must be taken out through the health insurance provider. Retirement arrangements can be made privately but it is also possible to join the statutory pension insurance scheme (coverage through the statutory pension insurance scheme is compulsory for certain occupational groups, e.g. for self-employed teachers).

**Statutory health insurance (SHI):** Employers and employees share the basic monthly contributions. In addition, the insured party pays an additional contribution, which in 2018 amounts to an average of 1.0 percent of the gross income. Civil servants and self-employed persons pay the full monthly contribution themselves.

The SHI settles any medical services based on the principle of benefits in kind. Medical practices, hospitals, etc. charge the treatment costs directly to the health insurance provider. The insured party does not have to make any advance payments.

**Private health insurance (PHI):** The monthly contribution is calculated independently of income and based on age, occupation, and health. Employers pay employees a subsidy. Civil servants benefit from low, subsidized rates.

Medical services are initially billed to the insured party. He/she receives an invoice which he/she checks, pays, and submits to the PHI for reimbursement. Hospitals usually settle inpatient treatments directly with the PHI.

The European Commission offers general **INFORMATION** on social security rights in Germany.

See also the information provided by touring artists [HERE](#).

## Note on family insurance

It is possible to co-insure family members free of charge under the statutory health insurance scheme. This applies to spouses and registered life partners as well as to children (i.e. children, stepchildren, grandchildren, foster children, adopted children, as well as children of children insured under the family insurance option) – initially until the age of 18.

Some prerequisites must be considered regarding the insurance: The co-insured person

- has his/her residence or habitual abode in Germany,
- is not self-insured or exempt from insurance,
- is not self-employed full-time,
- has an income of below 435 euros/month or below 450 euros a month (for persons in marginal employment; as of 2018)
- etc.

Detailed information from the Federal Ministry of Health can be found [HERE](#) or at the [FAMILIEN-WEGWEISER](#) website (in German only) of the Federal Ministry for Family Affairs, Senior Citizens, Women, and Youth.

The German-Turkish Social Security Agreement includes a number of special provisions. For example, family members of Turkish citizens who are statutorily insured in Germany may be included in the family insurance policy, even if they reside in Turkey. The statutory health insurance providers can provide information in this regard.

One interesting read on the topic is the report of the Wissenschaftlicher Dienst (Scientific Service) of the German Bundestag entitled '[FRAGEN ZUM DEUTSCH-TÜRKISCHEN SOZIALVERSICHERUNGSABKOMMEN](#)' ('Questions regarding the German-Turkish Social Security Agreement'), January 2018 (in German only).

## ARTISTS' SOCIAL SECURITY FUND (KÜNSTLERSOZIALVERSICHERUNG) – INSURANCE THROUGH THE ARTISTS' SOCIAL SECURITY FUND FOR SELF-EMPLOYED ARTISTS AND PUBLICISTS

A special social security system, the artists' social security fund, has been established for artists and publicists in Germany. Since January 1, 1983, this system has enabled freelance artists and publicists to access social security benefits by allowing them to pay only approximately half of their social security

contributions, just like employees. The legal basis for this is the Artists' Social Security Act (KÜNSTLERSOZIALVERSICHERUNGSGESETZ (KSVG)).

Artists and publicists from Turkey who live in Germany permanently, as well as German artists and publicists, can be insured through the Artists' social security fund. This includes pension and health insurance but not unemployment or accident insurance. The latter two must be taken out privately if desired.

For the purposes of the KSVG, an artist is anyone who creates, performs, or teaches music, or the performing or visual arts. This also includes designers and instructors in the field of design, for example. For the purposes of the KSVG, a publicist is anyone who works as a writer or journalist or who engages in a similar publicist activity or teaches journalism. The [CATALOG OF ARTISTS](#) provided by the KSK (German language) gives an overview of the activities covered by the KSVG – such as solo entertainers, photojournalists, game designers, editors, music teachers, make-up artists, voice-over artists, etc. Decisions concerning many activities are made individually on the basis of the job description.

The prerequisite for acceptance into the KSK is that an artistic or publicistic activity is carried out commercially and not just temporarily. The income is estimated for the respective following year and used as the basis for calculating health insurance, pension insurance, and long-term care insurance contributions. The minimum annual income threshold is 3,900 euros.

There are special regulations for new applicants, which are explained here.

A questionnaire is available on the website that can be used to apply for acceptance into the KSK. In order to apply, you will need to complete the form and send it to the KSK. The average processing time is two to three months or longer in some cases; the earliest possible start of insurance coverage is the date of first contact with the KSK.

Information brochures of the artists' social security fund (KSK) also in [ENGLISH](#). [touring artists](#) provides detailed information on the [ARTISTS' SOCIAL SECURITY FUND](#).

## INTERNATIONAL HEALTH INSURANCE

---

Artists and persons engaged in the cultural sector from Turkey must provide proof of adequate health insurance coverage when applying for a visa – whether a Schengen visa or a national visa.

For a Schengen visa, the insurance coverage must meet certain minimum requirements for the duration of the stay. For example, the coverage for sickness and return must be at least 30,000 euros throughout the entire Schengen area. Since proof of existing health insurance coverage in Turkey is not sufficient, it is

required that persons affected take out international health insurance for the duration of the stay ([INFO](#) – German language). Many insurers in Turkey offer insurance that is tailored to the requirements of the visa authorities. It is also possible to take out insurance from a German provider – for a maximum of five years.

If a person applies for a national visa and takes up employment subject to social security contributions in Germany, proof of international health insurance must be provided for the period between entry into the country and start of employment (at least 15 days) ([INFO](#) – German language).

- Upon taking up open-ended employment subject to social security contributions, the artist becomes liable for social security contributions in Germany.
- When taking up temporary employment subject to social security contributions, the existing social security coverage in Turkey stays in effect.

The same holds true when applying for a visa for the EU Blue Card ([INFO](#) – German language).

Self-employed artists must also provide proof of international health insurance when applying for a national visa, and the immigration authorities require proof of adequate health insurance coverage when a residence permit is applied for. Turkish insurance providers are often not accepted by the immigration authorities. German international health insurance providers insure persons who are staying in Germany and are not subject to social security contributions for a maximum of five years. Beyond this period and at the very latest at this point, the self-employed artist must take out private or voluntary statutory health insurance in Germany.

If an artist insures himself/herself through the artists' social security fund, he/she is liable for social security contributions in Germany and can take out statutory health insurance coverage or, from a certain minimum income, private insurance coverage.

## INFORMATION AND CHECKLISTS PROVIDED BY THE GERMAN DIPLOMATIC MISSIONS IN TURKEY (IN GERMAN LANGUAGE)

**International health insurance and health insurance checklist** (Schengen visa and national visa) – [LINK](#)

**General information on Schengen visa checklist** – [LINK](#)

**General information on national visa checklist** – [LINK](#)

# TRANSPORT AND CUSTOMS DUTIES

How can works of art, musical instruments, stage equipment, work materials, and professional equipment, etc. be transported from Turkey to Germany? Although the EU has established a customs union with Turkey, this does not mean that you will not encounter any problems when transporting items from Turkey to the EU, and especially to Germany. So what should be considered and organized in advance?

The EU-Turkey customs union was established in 1966. This means:

- a common customs territory was established: goods produced in or imported into the customs territory and cleared by customs may be transferred to other parts of the customs union, i.e. from Turkey to Germany or vice versa, without paying customs duty,
- there is also a Common External Tariff.

The Ankara Agreement (ANKARA AGREEMENT, ABI L 217 OF DECEMBER 29, 1964), pursuant to which the Customs Union (DECISION NO 1/95 OF THE EC-TURKEY ASSOCIATION COUNCIL, ABI L 35 OF FEBRUARY 13, 1996) was founded, forms the legal basis for the EU's bilateral trade relations with Turkey.

With regard to import duties (i.e. customs duties, import turnover tax, possibly other excise duties if applicable, see also at touring artists [WHAT ARE IMPORT DUTIES?](#)), a customs union means that no customs duties are levied on goods transported from Turkey to Germany and vice versa. Import VAT may be levied, however. A number of regulations must be observed and paperwork completed.

The first relevant question is whether the case involves

- an **import to Germany** – that is, the goods transported to Germany will remain here permanently, e.g. sales of design objects, works of art, etc. or personal items brought along during an extended stay in Germany (move)
- or **temporary use of the goods in Germany** – that is, goods are transported to Germany for guest performances, concerts, exhibitions, etc. and then returned to Turkey.

## IMPORT TO GERMANY

---

No customs duty applies to works of art, musical instruments, stage equipment, work materials, and professional equipment, etc. which is brought from Turkey to Germany (or into the EU in general). Import VAT may be levied, however. This is always the case for sales that take place in Germany.

## SALE OF ARTWORKS, DESIGN OBJECTS, ETC.

Import sales tax is payable when importing goods intended for sale in Germany (works of art, design objects, etc.). The tax rate corresponds to the German value added tax rate of 19 % or 7 % (reduced rate). The reduced tax rate applies to the importation of works of art in accordance with [SECTION 12 \(2\) NO. 12 USTG](#) and [ANNEX 2 USTG](#) (i.e. paintings, drawings, collages, original engravings, cuts, lithographs, original sculptures) in addition to sheet music, books, newspapers, periodicals, etc.

If works of art are sold in Germany, German value added tax (7 % for the delivery of an art object) must be specified on the invoice. As a business owner, the artist may be reimbursed by the German tax authorities in the form of input tax for the turnover he/she has already paid. However, in order to claim this refund, the artists would have to register in Germany for tax purposes. Applications for input tax refunds must be submitted via the [ONLINE PORTAL OF THE FEDERAL CENTRAL TAX OFFICE](#).

## Procedure for self-transport by land or by plane

The plan should be discussed with those authorities providing information in Turkey and Germany (see information below)!

Artworks, design objects, etc. can be freely exported from Turkey. In addition to an invoice and a list of works, a letter of authorization from the owner or the author of the works as well as a certificate specifying that the works are not historical artifacts should be carried along for the Turkish customs authorities. This certification can be obtained from the Provincial Directorate of Culture and Tourism (see information below). An export declaration should be submitted to the Turkish customs authorities; this is usually completed by the customs agents at the customs offices.

Declaration to the German customs authorities upon entry at the border, at the destination, or at the airport; payment of the import VAT at the customs office; an invoice must be enclosed/carried on the basis of which the import VAT is calculated. A formal customs declaration must be submitted for goods valued at above 1,000 euros; the application is usually filed by customs agents and a fee must be paid.

If a **shipping company** is commissioned, this company usually takes care of any formalities and tells the artist what documents must be provided. In accordance with the General Terms and Conditions (GTC), a shipper may usually open the packaging if necessary to allow customs to inspect the goods. Any applicable import duties are usually disbursed and charged to the customers.

**Courier services** also pay import duties in advance and collect them from the recipient of the shipment. Alternatively, payment can be arranged with the sender.

## Moving

EU customs legislation generally provides for exemptions from import duties for individuals moving from a non-EU country to the EU; the goods are referred to as '**Übersiedlungsgut**' ('personal property'). Among other items, this includes household goods, personal vehicles, pets, portable instruments, equipment, musical instruments, and professional equipment for freelance or artisanal activities, provided that these are necessary for exercising professional activities. Commercially used items, such as non-portable machines, are not considered 'Übersiedlungsgut'.

The conditions for exemption from import duties also apply to works of art or design objects created abroad. If the works of art are not intended for the personal household of the person moving, but rather for sale (even if the sale is uncertain), tax exemption is out of the question. Such works must therefore be cleared upon entry.

The legal basis for this is the [COUNCIL REGULATION ON SETTING UP A COMMUNITY SYSTEM OF RELIEFS FROM CUSTOMS DUTY](#).

Prerequisites for acceptance as 'Übersiedlungsgut' by the German customs authorities:

- the person moving must be a natural person,
- prior to the move, the person moving must have lived outside the EU customs territory for at least 12 months,
- the items must have been in the possession of the person moving for at least six months (proof in the form of invoices, purchase agreements, etc.),
- once residence has been taken up in Germany, the goods must be relocated to Germany within twelve-months (advance importation is possible within the six months prior to the person moving taking up residence in Germany),
- after their relocation, the goods may not be transferred to another person (customs supervision).

The goods must be declared for export in Turkey; it is advisable to include certification that any artworks or design objects transported are not historical artifacts. This certification can be obtained from the Provincial Directorate of Culture and Tourism (see information below).



In any case, the goods must be declared for relocation in Germany; exemption must be applied for using the form entitled 'Zollanmeldung für die Überführung von Übersiedlungsgut in den zollrechtlich freien Verkehr zur Endverwendung' (FORM 0350).

## TEMPORARY USE IN GERMANY

---

As a signatory to the ATA Convention, Turkey uses the Carnet A.T.A. procedure. Therefore, the use of this customs document is recommended if works of art, (professional) equipment, etc. are to be used abroad temporarily. In Turkey, the Carnet A.T.A. is issued by the chambers of commerce (Ticaret ve Sanayi Odası) (LIST OF CHAMBERS). The applicant must live in Turkey.

Arrangements can also be made for temporary use without the Carnet A.T.A. document. In this case, import and export declarations must be made at the customs offices themselves. You may decide at your own discretion which method is less time-consuming. Fees are payable in both cases.

## TRANSPORT USING THE CARNET A.T.A.

If a shipping company is involved in the move, this company will handle the formalities. However, a Carnet A.T.A. must usually be applied for at one of the chambers of commerce (Ticaret ve Sanayi Odası).

### Procedure for self-transport by land or by plane

The Carnet A.T.A. must be applied for at one of the chambers of commerce (Ticaret ve Sanayi Odası) and opened by the Turkish customs authorities. The chambers of commerce also provide information on the procedure, the costs, etc.: INFORMATION FROM THE UNION OF CHAMBERS AND COMMODITY EXCHANGES IN TURKEY.

Information on using a Carnet A.T.A., the procedure, costs, etc. can also be found [HERE](#) at the touring artists website.

In general

- Please note that ALL customs offices (Turkish export office, EU import office, EU export office, Turkish import office, customs offices in transit countries where applicable) must clear the customs document so that the Carnet procedure can be completed!
- Customs offices at the borders are not always staffed 24/7. We recommend that you inquire by telephone in advance. It is also important to allow sufficient time for clearing customs.

- When packaging the items, it must be taken into account that the customs staff may want to inspect them (known as inspection upon presentation).
- The items may not be altered but must be identical at the time of export and re-import. Accidents, theft, or damages must be recorded and reported to the customs authorities.

## TRANSPORT WITHOUT CARNET A.T.A.

If a shipping company is commissioned, this company usually takes care of any formalities and tells the artist what documents must be provided.

### Procedure for self-transport by land or by plane

Please obtain information from the responsible authorities in Turkey and Germany (see below)!

Registration for temporary export and returned goods procedure at the Turkish customs offices (subject to fees). Before the trip, you should inquire whether registration is possible directly at the customs office at the border/airport in Turkey or whether a customs office must be visited in advance ([LIST OF CUSTOMS OFFICES](#))!

In the case of the returned goods procedure, an identification document is issued, which ensures that the same items can be returned without incurring import duties. A pro forma invoice stating 'Wert nur für Zollzwecke/value for customs purposes only', addressed to the recipient in Germany, should be enclosed.

Registration for temporary use at the German border/external border of the EU (subject to fees). A deposit must be paid in cash in euros: The deposit corresponds approximately to the amount of import VAT (19% or 7% (reduced) in Germany, see explanations above); the accompanying pro forma invoice is used to calculate the deposit amount.

Upon re-export, the refund must be applied for at the German customs office/the customs office at the external border of the EU – we recommend that you ask your collaboration partner in Germany for help!

The deposit and refund need not necessarily be processed at the same customs office.

Declare re-import at the Turkish customs office; provide identification document.

In general:

- It should be taken into account that customs formalities may take several days.
- Customs offices are not always staffed 24/7; information is available on the respective websites.

- Additional fees may be incurred if customs forwarding firms are involved in handling the formalities.
- The packaging should allow customs staff to inspect the items if required.

## Transport of musical instruments

Artists can carry their own portable instruments without a Carnet A.T.A. (no more than one instrument per person, otherwise a Carnet A.T.A. is required). An advance customs declaration is not necessary in this case. A pro forma invoice detailing the value must be carried and presented on request. This invoice will be inserted into the passport and presented again when returning to Turkey. The MINISTRY OF CUSTOMS AND TRADE will provide information.

## Shipping procedure

As a general rule, courier services handle the customs clearance proceedings, even for temporary use of the items abroad. Regulations vary from company to company. Usually, the transport and return of the items must be handled by the same company and it may be necessary to set up a customer account.

The customs declaration including value and pro forma invoice must be enclosed (a note stating 'Wert nur für Zollzwecke/value for customs purposes only' must be added).

In general:

- Shipping is often associated with significant costs; the more urgent the transfer, the more expensive it is.
- The required documents and forms are often available for download on the websites of the courier companies.
- It may be necessary to discuss with the company whether artworks may be transported at all and up to what value.

## GOOD TO KNOW

---

### SHIPPING COMPANIES AND COURIER SERVICES

Information on working with shipping companies and courier services can be found [HERE](#) on the touring artists website.

## PACKAGING AND MATERIALS

The following information on the subject is also worth reading.

## INSURANCE

In the case of self-transport, you should consider insuring the goods, especially if they include valuable musical instruments, equipment, or works of art, etc.

touring artists provides information on [TRANSPORT INSURANCE](#) and [MUSICAL INSTRUMENT INSURANCE](#).

## TRAFFIC RULES

The European Consumer Center Germany provides an overview of German traffic rules - [INFORMATION](#)

## DRIVING BAN FOR TRUCKS

In Germany, a driving ban for trucks over 7.5 tons total admissible weight and all trucks and passenger cars with trailers applies on Sundays and public holidays from 12 a.m. to 10 p.m. Similarly, a holiday driving ban applies to certain Autobahn sections on all Saturdays in the period from July 1 to August 31 from 7 a.m. to 8 p.m.

The [FEDERAL OFFICE FOR FREIGHT TRANSPORT](#) provides information on the truck driving ban (German language).

## ENVIRONMENTAL ZONES

Since 2007, many German cities have established environmental zones. These include traffic restrictions. Motor vehicles require a sticker known as 'Umweltplakette' that allows them to drive into the marked zones. Vehicles with three-way catalytic converters or modern particulate filters are eligible for these stickers. Anyone entering the zone without an emissions sticker risks a fine. Even vehicles from abroad require such an emissions sticker in Germany. The sticker can be ordered online.

## INFORMATION

---

### TURKEY

**Ministry of Customs and Trade** – CUSTOMS

**Ministry of Economy** - WEBPAGE

**Ministry of Culture and Tourism** - WEBPAGE

**Türkiye Odalar ve Borsalar Birliği/TOBB** (Union of Chambers and Commodity Exchanges of Turkey/TOBB) – ATA CARNETS DIVISION

**Chambers of Commerce** – LIST

**Customs offices in Turkey** – LIST

### GERMANY

**Zoll Online** – INFORMATION ON GERMAN CUSTOMS AUTHORITIES AND REQUIREMENTS

**Central information desk of the Central Customs Authority** – PHONE AND E-MAIL

**Local Chambers of Commerce and Industry** - LIST

# CHECKLIST: RELOCATION TO GERMANY

## IMPORTANT FOR EVERYONE

---

### REGISTRATION

Within two weeks of moving into an apartment, every person must register in person at a Bürgeramt (Citizens' Registration Office; also referred to as Bürgerbüro, Bürgerdienst, Bürgerservice, etc., depending on the location) (German Federal Act on Registration, Section 17). This also applies to relocations within Germany or even within the same city. In some cities the first registration in Germany needs to be completed with the competent immigration authority. Registration by mail is not possible. The registration certificate is very important. It is required, for example, when using public services such as libraries as well as when opening a bank account.

The following documents must be brought to the appointment:

- Proof of identity (national passport or passport replacement papers for foreign nationals including residence permit),
- Registration form (persons belonging to one family who move together from the previous apartment to a new apartment may use one registration form; if more than two persons are to be registered, please use an additional registration form); the registration form is usually available for download from the webpage of the responsible office,
- Document indicating civil status: If registering in Germany for the first time, it is expedient to submit a document indicating your civil status for registration (e.g., marriage certificate, birth certificate),
- Confirmation from your landlord that you have moved into the property: Since November 1, 2015, landlords are obliged to provide the person subject to registration with written confirmation that they have taken up residence at the property (the document must be signed) within two weeks of the move-in date. The confirmation must include the following information: name and address of the landlord and, if the landlord is not the owner, the name of the owner, move-in date, address of the residence, and name of the

persons requiring registration. A rental contract is not an acceptable substitute for this document!

Further information can be obtained from the webpage of the new place of residence – e.g. here: [BERLIN](#), [HAMBURG](#), [MUNICH](#), [COLOGNE](#) or [FRANKFURT](#).

## TAX IDENTIFICATION NUMBER (ALSO TAXPAYER IDENTIFICATION NUMBER – STEUER-IDENTIFIKATIONSNUMMER)

This number will be mailed automatically to the registered address following successful registration. It stays the same for life but can only be used by those who are employed. Self-employed persons must declare their self-employment by applying for an "individual tax identification number" (see below). If the tax identification number is lost, it can be resent by the [FEDERAL CENTRAL TAX OFFICE](#), but only by mail to the registered address.

## TELEVISION AND RADIO LICENSE FEE

Every household must pay a mandatory fee for public broadcasts. This also applies if the household does not own a TV or radio. The fee is a flat rate of 17.50 euros per month, payable per household rather than per person, i.e. only one payment must be made for a shared apartment or for a family. Certain groups of people (unemployed persons, asylum seekers, etc.) may be exempted from paying the fee. Further information can be found [HERE](#).

## FOR SELF-EMPLOYED PERSONS

---

### APPLYING FOR A TAX IDENTIFICATION NUMBER

Before beginning to work, self-employed persons must apply for a tax identification number, which must be listed on all invoices. This tax identification number can be requested from the responsible tax office using the "Fragebogen zur steuerlichen Erfassung" (tax registration) form. The address of the responsible tax office in Berlin can be found [HERE](#); for information about tax offices in other cities you can search the Internet for "(respective zip code)+Finanzamt." The tax identification number depends on the activities specified in the questionnaire and on the responsible tax office. If the activities or the responsible tax office change, one will usually receive a new tax identification number. When completing the form, particular attention must be

paid to whether the registered self-employment being registered is a freelance (freiberuflich, freiberufliche Aktivität) or other commercial activity (gewerblich, gewerbliche Aktivität)! You can also specify on the form whether you would like to avail of the small business regulation.

More detailed information on these two points can be found in the text on taxes and is given at touring artists here, [STATUS OF THE ARTIST AND CONTRACTS](#).

The form can be mailed to the tax office or delivered in person. If you have not received your tax identification number after two weeks, you may call the tax office and inquire.

## SOCIAL SECURITY AND HEALTH INSURANCE

Self-employed persons must register with a health insurance company of their own accord and must also pay their own contributions. They may opt for either private or statutory insurance.

Private health insurance contributions are calculated independently of your income and the coverage can be customized. People with pre-existing conditions may find it difficult to find a suitable private health insurance plan and such conditions may lead to higher premiums. Premiums may also increase with age. Outpatient treatments must be paid for in advance and can be reimbursed later.

Statutory health insurance funds are based on the solidarity principle. The entitlement to benefits is regulated by law and applies equally to all insured persons. Premiums are not dependent on age or pre-existing conditions, but solely on income. Insurance coverage through a statutory health insurance fund may be expensive for self-employed persons, however, as the monthly premiums are usually calculated based on a minimum assessment threshold. This threshold assumes a hypothetical minimum income of just under 2,300 euros. The monthly premiums thus amount to over 400 euros a month. A bill to reduce this threshold is currently under consideration.

It is recommended that artists and publicists join the Artists' Social Security Fund (Künstlersozialkasse, KSK), the advantages being that the contributions are calculated as a percentage of real income and that 50% of the costs are covered by the Fund. The insurer is still a freely selectable statutory health insurance fund; the KSK is merely a kind of intermediary institution. Information centers, associations, and independent experts offer seminars and assistance with regard to the KSK application. Further information can be found in the text on social security.



## PENSION INSURANCE

Self-employed persons who are not insured through the KSK may join the German pension fund upon application. However, craftspeople, midwives, and freelance teachers are compulsorily insured, as are artists and publicists, insured through the KSK. There are plans to make pension insurance mandatory for all self-employed persons.

## TAX RETURNS

Self-employed persons who are not small business owners as specified in Section 19 (1) UStG must pay VAT and submit regular (initially monthly, VAT returns. In general, all self-employed persons must submit a tax return for the previous year. Further information can be found in the text about taxes.

## FOR EMPLOYEES

---

### TAX IDENTIFICATION NUMBER

Unlike self-employed persons, employees need not apply for an additional tax identification number. The tax identification number issued after registration is sufficient.

### SOCIAL SECURITY AND HEALTH INSURANCE

Most employees are insured through a statutory health insurance fund. The specific fund may be chosen freely. Only higher earners may switch to a private health insurance fund. As of 2018, the annual income threshold is 59,400 euros.

### INCOME TAX

Income tax is automatically withheld from the gross wages by the employer every month in the form of payroll tax. The employer transfers the payroll tax, the solidarity tax contribution, and, in the case of membership of a religious community, the church tax to the tax office. In addition, the employer pays and withholds pension, health, long-term care, and unemployment insurance contributions from the wages. Detailed information can be found on your monthly pay slip.

## TAX RETURN

At the end of the calendar year, you can check whether you have paid too much payroll tax or income tax. In order to do so, you should submit an income tax return to the tax office, which will be used to check whether a refund is due.

## LEAVING GERMANY

---

- Do not forget to give notice of departure to the Bürgeramt! No secondary residence can be registered in Germany unless the primary residence is also in Germany.
- Self-employed persons must deregister their activities with the responsible tax office or the trade office (for non-freelance activities).
- Employees are automatically deregistered from the health insurance fund; self-employed persons must deregister themselves.

# IMPRINT

**Editors:** Internationale Gesellschaft der Bildenden Künste (IGBK), Internationales Theaterinstitut – Zentrum Deutschland (ITI)

Internationale Geseelschaft der Bildenden Künste (IGBK),  
Mohrenstraße 63, D – 10117 Berlin, tel.: +49 (0)30. 23 45 76 66,  
email: [art@igbk.de](mailto:art@igbk.de), [WWW.IGBK.DE](http://WWW.IGBK.DE)

Internationales Theaterinstitut – Zentrum Deutschland (ITI),  
Mariannenplatz 2, 10997 Berlin, tel.: +49 (0)30 61 10 76 50,  
email: [info@iti-germany.de](mailto:info@iti-germany.de), [WWW.ITI-GERMANY.DE](http://WWW.ITI-GERMANY.DE)

**Idea/concept:** BKM / IGBK / ITI

**touring artists editorial team:** Christine Heemsoth, Jana Grünewald, Sebastian Hoffmann

**Texts:** touring artists editorial team in cooperation with Willkommenszentrum Berlin, IHK Berlin, Carroll Haak, Isabel Brühmann

**Information:** June 2018

**Translation:** Claudia Jones (CLAWITTER-TRANSLATIONS)

**Cover photo:** Adobestock (montage)

**Design:** Bruno Dorn

© Internationale Gesellschaft der Bildenden Künste (IGBK), Internationales Theaterinstitut – Zentrum Deutschland (ITI)

Supported by

**The Federal Government Commissioner for Culture and the Media**