

**February 2022**

**Consultation: Support for Specialist Events Hauliers Working on Cross Border  
Tours**

**Question 6: How important are specialist events hauliers to the function of your organisation? Why?**

**Please skip to question 23 once you have answered this question.**

UK Music is the collective voice of the UK's world-leading music industry. UK Music represents all sectors of the music industry – bringing them together to collaborate, campaign and champion music. UK Music promotes the music industry as a key national asset to all levels of Government and publishes research on the economic and social value of music. Resolving issues around road haulage and ensuring the easy flow of specialist hauliers between the UK and EU, while ensuring there are enough vehicles for the UK music industry's domestic use is vital to the long-term economic health of the UK music sector

Music is a key national asset for the UK economy, even after the losses of 2020 it employs more people than the steel and fisheries industries combined: 128,000 versus 45,000. Pre-pandemic it also consistently showed above average growth; in 2019, export value grew 9% for the sector (compared to 5% for the UK as a whole), it was also worth £5.8 billion in GVA and employed almost 200,000 people. 4 of the top 10 grossing tours of 2019 globally were headlined by UK artists.

Specialist events hauliers are the life blood for touring across the music sector. Bands, orchestras and any substantive commercial tours cannot take place either in the UK or across Europe on any scale without specialist event hauliers. To transport music equipment properly and safely requires specialised trucks and drivers. Currently the new road haulage regulations applying under the Trade and Co-operation Agreement (TCA) and the adaptations the industry is making are threatening the ability of UK and EU events hauliers to play their role the live music industry.

Musicians, songwriters and artists will always be the creators of the art and therefore the core of the sector, but circulating that art through commercially successful tours

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also requires highly skilled events hauliers. These workers cannot be easily replaced. If they or their trucks are unavailable you might be able to do a gig, but you certainly cannot have a tour.

As we have seen during the COVID-19 crisis, artists need touring, live performance is often artists' main revenue stream, and it is also key to building, engaging and sustaining a fan base. Losing the ability to do that with European based fans is a blow to the sector, particularly developing artists, and has had a knock-on effect on the viability and availability UK event hauliers fleets domestically. COVID-19 shortages and the changes to the distribution of the European event haulier fleet due to Brexit could be disastrous unless swift action is taken.

### **Proposal: Dual registration**

**Question 23: Overall, do you agree or disagree with the proposal to allow specialist haulage companies to temporarily transfer their vehicles between their GB and EU/third country operator licences?**

Agree.

**Question 24: Please state why you agree or disagree with the proposal.**

It represents a solution to some but not all of the issues affecting the sector. Prior to the Trade and Co-operation Agreement the UK was the hub of the specialist event haulage fleets in Europe. Providing trucks to the EU and often acting as a base for large non-EU music acts who were touring the EU. This is now impossible due to road haulage rules and specifically cabotage regulations that apply to UK flagged trucks (over 3.5t – a limit that captures a very broad range of vehicles) in the EU and EU flagged trucks in the UK. Cabotage rules state you may conduct up to two stops within a single country and you may make one onward movement or you may make one stop per country to a maximum of three. These regulations are designed to stop social dumping, but when applied to touring they legally make it all but impossible to use UK trucks in the EU.

Therefore, many of the specialist hauliers, with the encouragement of the UK Government, have moved large portions of their fleets to the EU. As live tours return there is likely to be a shortage of trucks in the UK, as it is also very difficult to operate EU flagged trucks in the UK in a touring context. Any step that helps to address the shortage by providing more flexibility for the trucks in circulation in Europe is useful.

### **Definition**

**Question 25: Do you think the definition proposed in this consultation should:**

- a. be broadened (continue to question 26)
- b. be narrowed (continue to question 26)
- c. be altered (continue to question 26)
- d. remain the same (skip to question 27)

#### Alteration to definition

#### Broadened.

#### Question 26: How would you change it?

Broaden the definition of the goods and their purpose. After “property” in b. of the definition add in “equipment”, after “music venues” add in “cultural festivals”. To ensure that the regulations fully and clearly encapsulate the full range of possibilities. We are particularly concerned that the definition as it stands does not explicitly cover music festivals given their importance to the UK live music market and their reliance on specialist event hauliers.

*These are hauliers who carry goods which are:*

*a. works of art that are being carried for the purposes of display at fairs and/or exhibitions;*

*or*

*b. property, **equipment**, accessories and animals being carried to or from theatres, music venues, **cultural festivals**, film locations, sports arenas or circus locations for the purpose of performances, concerts, fairs or fetes, radio recordings, film or television production and where those journeys meet the following requirements:*

*i. the temporary unloading and reloading of goods within the UK; and*

*ii. the goods being carried are returned to their country of origin without alteration.*

#### Question 27: In your view, what do you see as the benefits and drawbacks of this proposal?

In the longer term Dual Registration would help keep the UK plugged into the European live music touring scene and allow some flexibility for trucks supporting tours, allowing EU trucks to enter the UK, perform the UK leg, then go out into the EU and become EU trucks again. It is an absolutely necessary solution to the problem of ensuring that UK trucks that have now been based in the EU due to Brexit can still play the role they are needed to in the UK domestic market.

Dual Registration would therefore be a useful stop gap, but it has drawbacks and is not a silver bullet. The current timetable of August is likely to be too long, it does not help orchestras that operate their own vehicles, (that previously were able to travel under the own account exemption), furthermore it will encourage the shifting of trucks from the UK to the EU which will always make them less accessible for UK artists and encourage a shift in the centre of gravity of the European live touring scene away from the UK.

We would emphasise that this measure needs to be paired with a short-term easement of cabotage rules for event hauliers (we are open to a discussion on how those would be defined or registered) to cover the summer season that is already underway. As well as with a strategic approach to opening formal negotiations with the Directorate General Movement in the European Commission to address technical issues with the implementation of the TCA as it relates to road haulage and a European wide push for a Cultural Touring Agreement to cover the technical aspects of cultural touring across the UK, EU, EFTA and Switzerland

Dual registration is necessary to resolve the issues the sector is facing due to Brexit and COVID-19 shortages, but it is not sufficient to resolve them alone and is very much making the best of a bad situation.

**Question 28: What factors, if any, do you think could prevent specialist haulage companies from setting up a base outside GB while also maintaining a base in GB?**

There are a range of potential reasons. Lack of support to do so, at the moment it is only the largest companies with the resources to do so that are doing it. There is also the perceived risk of basing the company elsewhere and having to juggle two licensing regimes. Finally, it may simply be that the company retains a very large domestic focus and is unwilling to commit resources internationally. The 50/50 requirement also makes managing having an EU and UK base difficult and an administrative challenge that some companies want to avoid.

**Question 29: To what extent, if any, do you think that the number of domestic UK live events would change as a result of this proposal? Why?**

Increase. As there would be more access to EU based trucks and drivers to meet demand, this would allow the sector to grow as much as it can as we return from the ravages of the last few COVID-19 haunted years. This in turn will allow more shows to be staged as the sector invests income in future performances, creating a virtuous cycle of sector growth.

**Question 30: To what extent, if any, do you think that the number of international live events would change as a result of this proposal? Why?**

Increase. The additional flexibility and the stimulus this proposal would provide to the UK market would benefit international touring schedules, of which the UK industry is a keystone.

**Question 31: To what extent, if any, do you think that the number of domestic UK live events would change if this proposal does not go ahead? Why?**

They would decline. Our understanding from industry is that a specialist event haulier shortage is beginning, and could become acute by the summer, particularly over peak festival weeks and weekends (e.g. Glastonbury). The larger tours are likely to engage as many trucks and drivers as possible leaving medium sized acts and small festivals without the ability to meet their engagements. This will lead to cancellations and the scaling back of many tours.

If the situation becomes acute, we may also see large acts struggling to make commitments. As we saw last year there are limits to what can be achieved if the supply of drivers and vehicles is restricted.

Therefore, allowing as many of the trucks that have moved across to Europe to return as easily as possible is vital.

**Question 32: To what extent, if any, do you think that the number of international live events would change if this proposal does not go ahead? Why?**

As above but less dramatically as the trucks have already relocated to the EU, but the lack of flexibility will certainly exacerbate event haulier and driver shortages in Europe, meaning the total number of shows being performed will fall due to an inability to meet demand.

**Question 33: In your view, how likely do you think it will be that international specialist hauliers will be able to compete in the UK market as a result of this proposal? Why?**

More likely.

UK Government has encouraged large parts of the UK event haulier fleet to relocate to Europe making the UK's overall position weaker, this proposal will give more of an advantage and flexibility to trucks based in the EU as opposed to UK only trucks.

**Question 34: In your opinion, which countries, if any, have a potential to have a specialist haulage market that would rival the UK's (either within or outside the EU)?**

The Republic of Ireland and the Netherlands. In many ways the Republic of Ireland represents the least disruptive options for UK based companies looking to split their fleets, there are good links with the UK, with a lack of paperwork associated with the Common Travel Area, and English is spoken. However, geographically it is less than ideal as the only routes to mainland Europe are either via the UK or a very long ferry to the Northern French ports.

Therefore, industry sources have told us that another major relocation point has been the Netherlands as it has excellent international links, has a large proportion of English speakers, strong international trade links through its major ports (particularly Rotterdam), and transport links both into Germany, (and from there into Scandinavia and Eastern Europe), as well as west towards France (and from there round the Alps into Italy or down into Spain and Portugal), as well as passenger links to the world through Schipol Airport.

**Question 35: Do you have any concerns about opening up the UK market to all international hauliers?**

Yes.

**Question 36: If applicable, what are your concerns?**

We have repeatedly warned elsewhere that the transfer of trucks to the EU will in the long term have negative consequences for the UK based live sector, and it will undermine the UK's currently hegemonic position in the events haulage sector in Europe. Dual Registration will smooth some of the negative consequences of that decision in terms of access to trucks and facilitating touring but it will only reinforce that fundamental trend.

It will disincentivise non-European major tours from using the UK as a base for their European tours, as it will be easier for them to use European trucks in the UK than vice versa. In the long term we may also see a shift in where equipment and technical skills are based, as it is useful to locate them close to where the lorries are based, therefore we may see the loss of work and opportunities to the Netherlands and the Republic of Ireland.

**Question 37: Any other comments?**

UK Music remains adamant that the UK Government needs a more strategic approach in this area to avoid suboptimal measures needing to be brought in.

The Government should look to engage directly with the European Union on the technical implementation of the TCA as it pertains to event hauliers and cultural touring haulage. This should include looking to expand the definition of non-commercial haulage to include all theatrical and musical performances, thereby taking many event hauliers out of the cabotage rules entirely, it should look to return the Operation on Own Account exemption that exempted orchestras operating their own trucks from cabotage regulations, as exists in the Single Market.

Furthermore, the Government should seriously consider opening negotiations on a European wide Cultural Touring Agreement to remove touring businesses from road haulage, cabotage and other technical regulations that are intended to address other issues that they are being caught up in. This could cover the EU, EFTA and Switzerland and show that Global Britain is still looking to work with and improve our economic relations with Europe.

## **Annex**

UK Music's membership comprises: -

- AIM – The Association of Independent Music – AIM – The Association of Independent Music – the trade body for the independent music community, representing 1000+ independent record labels and associated businesses, from globally recognised brands to the next generation of British music entrepreneurs.
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 400 independent record labels.
- FAC – The Featured Artists Coalition is the UK trade body representing the specific rights and interests of music artists. A not-for-profit organisation, they represent a diverse, global membership of creators at all stages of their careers and provide a strong, collective voice for artists.
- The Ivors Academy - The Ivors Academy is an independent association representing professional songwriters and composers. As champions of music creators for over 70 years, the organisation works to support, protect and celebrate music creators including its internationally respected Ivors Awards.
- MMF – Music Managers Forum - representing over 1000 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including music studios, producers, engineers, mixers, remixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union - Representing over 32,000 musicians from all genres, both featured and non-featured.
- PPL is the music licensing company which works on behalf of over 110,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK. PPL also collects royalties for members when their recorded music is played around the world through a network of international agreements with other collective management organisations (CMOs).
- PRS for Music is responsible for the collective licensing of rights in the musical works of 150,000 composers, songwriters and publishers and an international repertoire of 28 million songs.
- UK Music also has an informal association with LIVE (Live music Industry Venues & Entertainment), the voice of the UK's live music and entertainment business. LIVE members are a federation of 13 live music industry associations representing 3,150 businesses, over 4,000 artists and 2,000 backstage workers.