



Barriers to Working in the EU for the UK Music Industry

Submission from the Musicians' Union.

UK Music APPG

The British Musicians' Union was established in 1893 and represents 32,000 musicians working in all sectors and genres of music. As well as negotiating on behalf of its members with all the major employers in the industry, the MU offers a range of services tailored for the self-employed by providing assistance for professional and student musicians of all ages.

1. Since the UK withdrew from the European Union under the terms of the Trade and Cooperation agreement it became immediately clear that under those terms there was essentially a no deal Brexit in place for the music industry.
2. The list of areas which now must be navigated by musicians wishing to work in the EU is extensive.
3. The areas that now require active engagement by musicians are:
 - i. Visas and Work Permits
 - ii. Customs Declarations – Merchandise and Equipment
 - iii. Import and Export- Merchandise
 - iv. VAT/Duty – Merchandise sales
 - v. ATA Carnet – Instruments and Equipment
 - vi. Transportation – Vehicles and Cabotage. Ferry ticketing systems
 - vii. Border crossing protocols- Paperwork
 - viii. CITES – Documentation requirements

4. Visas and Work Permits

Whilst the list of EU Members states that allow some degree of short-term work to be undertaken in those countries is slowly growing, the amount of time a musician can spend in each country varies. It is this uneven playing field that creates a barrier to touring or performing across more than one or two member states at any one time. With these limitations in place, it creates a barrier to longer term touring.

5. Customs Declarations and Import and Export, VAT and Duty.

Merchandise sales at performances have always been a reliable and cost-effective way to increase revenue and offset the costs of touring. Whilst there is provision to avoid online or full customs declarations by using the 'Merchandise in Baggage' regulations, the amounts differ from UK to EU. Merchandise under £1500 in the UK

can cross the UK Border but unless that amount is below 1000EUR then EU Import costs will apply, the sum of which will depend on the exchange rate on the day. If they have more the 1000Eur worth of merchandise, then complex and time-consuming export declarations are required. The UK Govt answer is to engage the services of a customs intermediary – which is yet another cost to musicians and another barrier.

6. ATA Carnet.

Whilst we were pleased to learn that portable musical instruments and equipment can be taken across the border without an ATA Carnet on foot or in a vehicle, the same easement is not part of the EU legislation, that only allows for portable musical instruments. Musicians who have to augment their instruments with additional equipment to facilitate the live performance must get an ATA Carnet. The cost of this is significant with not only the application fee but the non-refundable security bond based on the value of the goods. This is a legal document which if not correctly operated could leave the musicians with costly duties and potentially a fine to pay. The strict requirements to have ATA Carnets stamped at the border and the complex issues musicians face in ensuring that takes place is yet another barrier to live performance in the EU by UK Musicians.

7. Transportation. – Vehicles, Cabotage and ferry ticketing costs

Most working musicians rely on public transport, their car or a van to transport themselves, their equipment and any crew to facilitate live performance in the EU. The music industry was pleased to hear that a vehicle that carries both passengers and goods is not subject to the TCA and that member state laws are the applicable legislation in place. That came as a huge relief; however, it doesn't alter the fact that a great deal of employment for UK musicians is created through major theatrical and commercial music tours by big name artists. Such tours can be longer than the 90/180 days permit free requirements, but also rely on trucks to move the equipment needed to facilitate the performance. These trucks are now hampered by the Cabotage rules which, whilst always having been there, were not applied whilst the UK remained a member of the EU. That has now changed and cross trade and cabotage rules mean only 3 stops in the EU can take place before the truck has to return to the UK. The solutions put forward are only solutions for the minority of large business that can afford to relocate their business to the EU whilst still maintaining a base in the UK. Without the trucks there can be no tours. A few of the biggest artists might be able to secure the necessary equipment and trucks in the EU and duplicate that in the UK, however the cost of doing so is huge and that cost can't simply be passed onto the consumer.

It has become apparent recently that ferry companies are applying the same ticketing costs to musicians using a van as a large commercial haulier with a multitude of trucks carrying commercial goods to the EU. According to Stenna Line, P & O and Irish Ferries, due to the requirement for musicians with instruments and equipment to have customs paperwork such as ATA Carnets and import/ export declarations for any merchandise that can't be taken in their baggage they must now travel as freight. The cost of the freight ticket is about 3 times the cost of a passenger ticket. The Musician's Union has raised this with DCMS. This must surely be rectified as it starkly demonstrates the consequences such as this can have on musicians. If this is not solved the costs of even getting to the EU far outweigh any financial gain, then it will serve as another barrier to the music industry created by Brexit.

8. Border crossing protocols- Paperwork and CITES permits.

All of the above now means Musicians have to prepare at the very least 3 months in advance of any performance or tour they may wish to undertake. The ability to accept any last-minute work is, unless there is minimal equipment involved now significantly reduced.

The entry requirements for some countries means that even without the need for a formal work permit or work visa remain the requirement to show proof of engagement, supporting funds, engagement contracts, proof of standing as an artist, bank details or to attend a police station to register that you are working in the country such as Croatia, Estonia or Spain.

A1 forms take longer to acquire and process than pre-Brexit.

An ATA Carnet and any associated proof of ownership of the equipment you are carrying, the need to have formal export and import declarations in relation to merchandise, travel insurance.

A CITES Musical Instrument Certificate for those instruments containing endangered species which must be stamped at both borders if the musician is to be able to use their instrument on tour. This can only be done at a UK or EU designated port. If a musician is able to travel to the EU on Eurostar with just their instrument, then that will alleviate the need for some of the paperwork above, however until the UK and the EU make all Eurostar destination stations as 'designated' then the musician will, have to source alternative travel with the associated oncosts of that.

9. These are the barriers to working in the EU that our members face. Without serious engagement to address these issues and find a cultural exemption mechanism that is recognised by both UK and EU authorities then the UK will have been responsible for a significant market failure affecting an industry that is worth £5.8 Billion to the UK economy. A tragic failure to support an industry that is predominantly made up of SME's and major artists. Both support an infrastructure of additional creative talent such as crew, lighting and sound designers, agents, managers photographers, videographers and many more.