

APPG On Music: DCMS Written Evidence

1. What changes (if any) has the Government seen to working in or touring the EU since the UK left the EU?

The Government recognises that the way creative workers work in the EU has changed. We are committed to supporting the sector to adapt to these new arrangements, and we've worked with the sector and directly with Member States to clarify what creative workers need to do. In many areas, arrangements are much more workable than has at times been reported and in certain specific areas we have engaged with Member States or taken unilateral action to improve arrangements. These changes can broadly be categorised as affecting the movement of people, goods, and vehicles, each of which we will address in turn.

People

Following EU Exit, UK touring artists face a range of different visa and work permit regimes when touring across the EU. To support artists to navigate these arrangements, this Government has engaged extensively with EU Member States to seek clarity on the requirements, and where appropriate, to lobby for easements and to encourage Member States to align more closely with the UK's generous rules. From these discussions, almost all Member States have confirmed that they offer visa and work permit free routes for UK musicians and performers for some short-term touring. This includes the UK's most important touring markets, such as France, Germany and the Netherlands. This also includes Spain, who amended their rules in November 2021, and now Greece who introduced a visa-free route for UK creatives in June 2022, both following extensive Government and sectoral engagement.

Goods

Following EU Exit, musicians have been adapting to new customs requirements and documentation required for the transportation of musical instruments and equipment, such as the optional use of ATA Carnets to simplify customs formalities. Whilst we recognise that ATA Carnets are new for touring in the EU, they are of course a familiar feature of touring more widely, and have been used for touring outside the EU. They can be used for multiple items, as many times as required, and in approximately 80 countries around the world over a twelve-month period. We have also confirmed that portable musical instruments accompanied by their owner can be brought into the UK under an oral or by conduct declaration, which is a cost-free alternative to an ATA Carnet for allowed goods. We are aware that there have been issues around some inconsistent enforcement of these rules at the border between the UK and EU Member States. Where issues have arisen, we have worked with the creative sector, across government and with relevant EU Member States to seek to address these.

Similarly, merchandise, if under £1,500 in value and with a total weight of 1,000 kilograms or less, can be taken out of the UK with a simple online declaration or an oral declaration when it is carried by the owner in their baggage or in a small vehicle. EU rules state that each individual is able to take up to €1,000 worth of merchandise, with a total weight of 1,000 kilograms or less, into the EU to sell on tour without paying EU customs duties. The facilitations for merchandise in baggage allow for more streamlined customs procedures i.e. exemption from the use of the Goods Vehicle Movement Service (GVMS is a UK Government IT platform for moving goods into or out of Northern Ireland and Great Britain).

When transporting a musical instrument or prop containing protected materials, such as ivory, these must be accompanied by a CITES certificate. Musicians and performers touring with these items must travel via a designated CITES point of entry or exit (POE), the number of which has already increased from 24 to 36 over 2021. The Department for Environment, Food and Rural Affairs (Defra) is working with Border Force to look at possible CITES designations for additional points of entry, including Eurostar St. Pancras, and is engaging with the Musicians' Union to gather evidence on volumes, so the implications for operational management can be assessed. The Musicians' Union have canvassed their membership and have made it clear that Eurostar is a priority route for their members, and strongly support the designation of St Pancras as a CITES point of entry and exit. We recognise the industry's desire for clear guidance on these issues in particular and we have worked with the sector to clarify arrangements, including through bilateral engagement with Member States. We have developed guidance including 'landing pages' on gov.uk specifically for touring musicians and other creative sectors.

Vehicles

On the movement of vehicles, under the Trade and Cooperation Agreement (TCA), UK operators are able to undertake up to two additional movements within the EU after their first stop, either as cross-trade (the movement of goods between two countries by a haulier registered elsewhere) or cabotage (the movement of goods within a single country by a haulier registered in another country), with a maximum of one cabotage movement within that limit.

The Government has engaged extensively with the specialist haulage industry, including via a public consultation in February 2022, as a result of which the Department for Transport is working on the implementation of the 'dual registration' measure. This will enable specialist events hauliers who operate on a hire and reward basis and who have bases in both Great Britain and the EU to benefit from Single Market access rights and from their status as a domestic GB operator – without needing to swap their specialist vehicles in the middle of a tour. This is made possible by a Vehicle Excise Duty exemption in GB via the introduction of new legislation which is expected to come into effect in late Summer 2022, subject to parliamentary and Privy Council approval. An interim solution has been introduced ahead of

dual registration coming into effect which allows operators who have an established base in the EU, and also maintain a GB base, to transfer their vehicles between their two operator licences.

The EU's Mobility Package was introduced in February 2022, which closed a loophole which enabled EU hauliers to reset the cap of 3 cabotage movements in a 7-day period by crossing an international border and crossing over again. This is no longer possible for EU hauliers in the EU – they cannot come back and do another cabotage movement in the same country within four days of the end of a cabotage period. Drivers are now required to return to their base after four weeks, and vehicles to return to their base after eight weeks. These changes have introduced new limitations for hauliers operating across the EU, impacting both EU operators and UK operators who have opened an additional base in the EU.

We have also confirmed that 'splitter vans' that are used for carrying both equipment and up to nine passengers (including the driver) do not fall in scope of the TCA market access rules in respect of cabotage and cross-trade, and instead are subject to Member State law. This was also the case while the UK was a member of the EU, and has been welcomed by the sector, particularly smaller touring groups and artists.

2. What barriers (if any) has the Government identified to working in or touring the EU which didn't exist before?

This Government has worked hard to provide clarity and guidance to UK artists on the new requirements, as well as engaging with the EU, and introducing unilateral measures where relevant to support the touring sectors in the UK. We recognise that challenges remain, for example in relation to haulage, and we have engaged extensively with the creative sector to support them to adapt to these challenges.

In terms of the movement of people, there are now only three remaining Member States (Portugal, Malta, Cyprus) which do not offer any visa or work permit free routes, and whilst our engagement with these continues, ultimately it is up to these countries to align their requirements more closely with the UK's generous rules. We recognise that requirements vary from Member State to Member State and that this can be challenging for artists. This is why we have worked with Member States to ensure their guidance is clear and accessible. We have also published enhanced guidance on [GOV.UK](https://www.gov.uk) to support UK nationals, including creative and cultural professionals, to navigate these new arrangements.

As previously noted, this Government is in the process of introducing 'dual registration', a measure which has been developed in close consultation with the live music and performing arts sectors, and which we expect will come into force in late summer 2022. Whilst dual registration is an option for all operators, we recognise that this may not address all the challenges faced by them, in particular for smaller haulage businesses and own-account

operators such as orchestras. However, we have explored the extent of unilateral options, including through discussions with the sector, and there is no other unilateral measure we have been able to identify to further improve EU market access for UK specialist hauliers.

Due to the impact of Covid-19 on the touring industry, summer 2022 is expected to be the first full summer of touring since EU Exit. We anticipate that this will demonstrate that arrangements for touring are workable, and where issues do arise, the Government continues to work closely with the sector to consider these.

3. What benefits does the UK Government see for UK bands touring the EU?

EU Member States, as the UK's closest neighbours, remain a key touring destination for UK artists, particularly for young and emerging artists looking to tour and grow their audiences abroad. International touring also has further benefits for the UK as a whole, with the music industry contributing significantly both to the economy and to the international reputation of the UK. In 2019, live music accounted for £86m of music exports as well as promoting the UK's cultural success, influence and reputation as a driver of innovation, creativity, and excellence. This is why we have sought to provide clarity, guidance, and support to the sector to help them to navigate the changes detailed above.

4. What steps has the Government taken to improve the system for EU nationals entering the UK to work or tour?

The UK's immigration system continues to support the thriving cultural life of the UK, and the UK's rules for touring creative professionals are comparatively more generous than in many EU Member States. For example, the UK's domestic rules allow musicians, entertainers and artists (and their technical staff) from non-visa national countries, such as EU Member States, to perform in the UK without requiring a visa (for up to 6 months dependent on the route used), and the UK does not have work-permits. This has been set out in online guidance on [GOV.UK](https://www.gov.uk), and the Home Office has also held a number of roundtables and sessions with the touring sector to ensure they understand the range of routes available for creative professionals.

Further steps have been taken to better support EU nationals entering the UK to work or tour. For example, under the Temporary Work - Creative Worker route, creatives may now make use of a 'stop-the-clock' arrangement, where any time spent outside of the UK is not counted towards the 14-day limit between engagements. This was a result of close engagement with stakeholders across the creative industries to ensure the route reflects the working practices of the industries it is supporting. We were also previously made aware of certain issues regarding enforcement at the border for artists who required a stamp in their passport upon arrival, and quickly engaged across Government to ensure this was addressed in training and guidance for Border Force officials.

5. What steps is the Government taking to address challenges and promote opportunities for the music industry following Brexit?

The music industry is a key part of the UK's thriving cultural and creative industries, and plays a huge role both within the economy across the UK and in helping us to become a truly Global Britain.

To this end, this Government continues to support the music industry through a range of export support programmes. These include the successful [Music Export Growth Scheme](#) which provides grants to independent music companies to assist them with marketing campaigns when looking to introduce successful UK music projects overseas; the [International Showcase Fund](#) which offers export support for UK-based artists, bands, songwriters and producers who have been invited to perform or create new music at international showcasing festivals or conference; and the [Internationalisation Fund](#) which helps small businesses in England grow their overseas trading and strengthen their business. Further, in October 2021, the Government launched the new [Export Support Service](#), where UK businesses, including touring professionals, can get support both online and via telephone.

To support the music industry, another key priority for this Government is ensuring the music streaming market functions well and that artists are properly remunerated. The Government has been working alongside key figures in the music industry to deliver a comprehensive programme of work, which aims to address the issues raised by the DCMS Select Committee's July 2021 inquiry into the Economics of Music Streaming. We are also committed to investing in the future of music talent to ensure UK success continues to thrive. The National Plan for Music Education, which is due to be published shortly, aims to reshape the future of music education in this country so that more children and young people have access to an excellent music education.

And specifically on touring in the EU, the Government continues to engage closely with the music industry to understand the remaining challenges and to consider how best we can work together to address these.