

CONSTITUTION, EUROPE, EXTERNAL AFFAIRS AND CULTURE COMMITTEE

31st Meeting, 2023, Session 6

16 November 2023

Touring artists

1. The Committee agreed to hold an evidence session on ‘touring artists’, to inform its inquiry on the Review of the UK-EU Trade and Cooperation Agreement (TCA), as well as its ongoing input to the UK-EU Parliamentary Partnership Assembly (PPA) in advance of its next meeting on 4-5 December.
2. The session will seek to consider the challenges of artists mobility between Scotland and the EU, as well as possible solutions, with a focus on the music industry.
3. At this meeting, the Committee will take evidence from—
 - Sam Dunkley, Acting Regional Organiser, Musicians Union
 - Alice Black, Scottish Live Events branch, Broadcasting, Entertainment, Communications and Theatre Union (BECTU)
 - Alistair Mackie, Chief Executive, Royal Scottish National Orchestra
 - Ewan Robertson, Board Member, Traditional Arts and Culture Scotland
 - Lisa Whytock, Director, Active Events (online)
4. A SPICe briefing is attached at **Annexe A**.
5. Written submissions from BECTU, Musicians Union, and RSNO are attached at **Annexe B**.

**CEEAC Committee Clerks
November 2023**

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Constitution, Europe, External Affairs and Culture Committee

16 November 2023

Movement of Artists

Context

When the UK was a member of the European Union, members of the creative industries with UK citizenship were able to travel to, and work freely in other European Union countries. This was as a result of the freedoms of movement for goods, services, people and capital that all EU nationals have. When the UK left the European Union, the automatic right to freedom of movement was lost for UK nationals.

The terms of the UK's new relationship with the EU were set out in the Trade and Cooperation Agreement. Although a topic for discussion during the negotiations, the final TCA was very limited in terms of the provision of services. As a result, UK nationals lost the right of freedom of movement and the right to freely provide services across the EU. Instead, UK nationals must meet the individual requirements of each EU member state if they wish to perform there.

There has been some disagreement around why touring of music workers and artists were not provided for in the TCA. A [Politico article from 2021 provides some commentary on the process](#).

The [Scottish Government's Office of the Chief Economic Adviser provides a regular briefing on key statistics for the creative industries in Scotland](#). This includes some information on exports. This analysis uses estimates based on data from [Export Statistics Scotland](#). The Office of the Chief Economic Adviser says that this data is not designed to collect data at such a granular level (i.e. the level of the Creative Industries), therefore "these results should be treated as indicative". The latest data refers to 2019 and the report states—

"Total exports from the Creative Industries growth sector stood at £4.1 billion in 2019, accounting for 4.7% of Scotland's total exports. Exports from this sector increased by 2.1% over the year.

“Exports to the rest of the UK stood at £2.4 billion in 2019 and accounted for 58.5% of total Creative Industries exports. International exports to the EU stood at £545 million (13.4%) and international exports to non-EU countries stood at £1.2 billion (28.2%).”

The [Scottish Government consulted upon an International Culture Strategy in early 2023](#). The outcome of this consultation has not yet been published. The consultation paper stated—

“It is not clear if we are yet seeing the full impact of having left the EU on the sector’s activity. Disruption to work, both domestically and internationally, by the pandemic followed by current cost pressures may have masked any distinct impacts caused by Brexit. We know though that important sources of support for international exchange and collaboration, principally the EU’s Creative Europe programme, have been lost, and that Scottish cultural organisations no longer have unhindered access to the EU’s single market for touring or other activity. The end of free movement of people between the EU and UK has also restricted the ability of creative professionals from the EU to work in Scotland, which is likely to be impacting the sector’s ability to access the skills it requires. This strategy will explore ways in which specific challenges caused by leaving the EU might be addressed.”

Working in the EU

The arrangements for an artist temporarily working in the EU vary from country to country.

The [UK Government’s website](#) states—

“Many Member States have confirmed that they offer visa and work permit free routes for UK musicians, performers and support staff undertaking some short-term touring activities. Durations, definitions and requirements can vary from Member State to Member State. As a musical artist (which might include teaching and education roles) or as accompanying staff, we strongly recommend that before you travel you check domestic immigration rules for each European country you are intending to work, perform or tour in, as rules may vary depending on the length of your stay and the type of activity.”

[A 2022 report by the All-Party Parliamentary Group on Music](#) said—

“The question of work rights for non-EU citizens is mostly a matter for individual member states. This means a confusing range of restrictions are now in place; three EU member states (Portugal, Malta and Cyprus) may require work permits for musicians and performers for any commercial performance in their countries. Costs can quickly escalate. Malta, for example, requires a €150 employment licence to work as a self-employed musician. The UK Government are correct to say that the 24 other countries permit some work permit free touring. However, this covers a range of restrictions, from Sweden that only allows 14 days, to Spain where the

industry and Government worked together successfully to get the Spanish Government to allow music work up to the 90 in 180 day visitor limit.”

The [submission to the APPG's work from the UK Government](#) said—

“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.”

This is an area where the position of musicians may differ from other artists – again rules of entry and short-term work vary from country to country. The Republic of Ireland, as part of the Common Travel Area, allows UK citizens to work without needing permits or visas.

Taking equipment or merchandise into the EU

The rules that apply to taking equipment around artists taking goods into the EU are complicated. This section broadly sets out the rules in this regard. However, there have been reports of rules being inconsistently applied at the border (see the report of the APPG on Music for example).

If you are traveling with portable equipment, such as an instrument and a small amplifier, you do not need to declare this equipment. However, if you are travelling separately from the equipment which is moved as freight by a haulier or transport operator where the individual is not present then, assuming that the equipment is to return to the UK, a temporary admission procedure may be required. This is normally by using an Admission Temporaire or Temporary Admission (ATA) Carnet. There is a cost associated with using an ATA Carnet.

There are further complications if the equipment includes an endangered species. This could be certain types of wood used in guitars or other string or woodwind instruments. Here a CITES certificate may be required. Musicians and performers touring with these items must travel via a designated [CITES point of entry or exit](#), of which there are three in Scotland – Edinburgh, Glasgow and Prestwick airports.

Merchandise to be sold by artists is likely to be subject to customs controls. An 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.

Haulage

Under the TCA, UK haulage operators are limited in how they can move goods around the EU. A submission from the [UK Government to the All Party Parliamentary Group on Music](#) said—

“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.”

In [2022, the UK Government introduced a dual registration scheme](#). This allows specialist events hauliers who have bases in GB and elsewhere to temporarily transfer their vehicles between their 2 operator’s licences without needing to change their vehicles or having journeys limited by the international cabotage rules within each territory.

Support for touring artists

The Scottish Government’s funding for the National Performing Companies includes money for an International Touring Fund. In the 2023-24 budget this totalled £420,000, up £70,000 from previous years.

The Scottish Government’s Festivals Expo Fund supports the Made in Scotland programmes. Made in Scotland is a “curated showcase that promotes high quality music, theatre and dance from Scotland-based artists, to international promoters and audiences at the Edinburgh Festival Fringe each year”. As part of this programme, there is an Onward International Touring fund which is to enable artists, bands and ensembles to take up new international touring opportunities for work programmed as a direct result of the inviting promoter seeing the work at the Edinburgh Festival Fringe.

Creative Scotland’s other funding streams may support touring artists. For example, there are incidences of the Open Fund supporting touring artists.

The UK Government funds the [Music Export Growth Scheme](#), which is administered by the BPI. Earlier this year the UK Government announced it was expanding the funding of this scheme to “£3.2 million over the next two years”. This scheme “is designed to make available grants ranging from £5,000 - £50,000 to UK-registered independent music companies to assist them with marketing campaigns when looking to introduce successful UK music projects overseas.”

The [International Showcase Fund](#) offers grants of up to £5,500 for international export opportunities for UK-based artists, bands, songwriters and producers who have been invited to perform or create new music at international industry facing showcasing festivals, song writing camps or conferences. The ISF is managed by PRS Foundation in partnership with PPL, The Department for Business and Trade, The Musicians Union, British Underground, Arts Council England, Creative Scotland and Wales Arts International.

Industry bodies, such as the Musicians Union, provide advice and guidance to its members on touring in the EU.

Artists coming from the EU to the UK

At the same time the rules for artists coming into the UK from the EU have been affected. The [UK Government's website](#) explains—

The UK's domestic rules allow musicians, entertainers and artists from [non-visa national countries](#), such as EU Member States and the US, to come to undertake paid work in the UK for up to:

1 month without requiring a visa if they are invited to the UK by a UK-based client or organisation, and paid by a UK source (under the [permitted paid engagement](#) visitor rules).

3 months without requiring a visa if they have been assigned a [certificate of sponsorship](#) by a licensed sponsor under the [Temporary Work - Creative Worker visa concession](#).

6 months without requiring a visa if performing at a permit-free festival. The list of [permit free festivals](#) is published under the [Immigration Rules](#) and includes a range of events, from Glastonbury to Glyndebourne.

12 months on the [Temporary Work - Creative Worker](#) route, if they obtain a visa and a Certificate of Sponsorship.

Commentary and suggestions for improvements

The [2022 report by the All-Party Parliamentary Group on Music](#) made seven recommendations to the UK Government. These included:

- To seek to improve arrangements for music workers touring both within the TCA and through bilateral agreements with individual EU countries
- Expand number of border points where documents like carnets and Music Instrument Certificates (CITES) can be checked.
- To seek to agree a “Cultural Touring Agreement” with the EU and potentially other European states to support the liberalisation of cultural touring.
- To “develop institutions to support UK music exports, including instituting a Music Export Office” and to increase funding for music exports.

A report by the [House of Lords' European Affairs Committee](#) published in April 2023 on [The future UK-EU relationship](#) looked at, among a range of topics, the impact on creative industries. It suggested that challenges remained for the music sector. Reflecting the evidence it had heard, its report stated—

“Although some limited easements to visa and cabotage arrangements have been introduced since we first took evidence on this topic in 2021, Ms Annetts

[from the Incorporated Society of Musicians] suggested that these have not fundamentally changed the situation facing touring musicians. While there are now “slightly better arrangements for mobility with Spain and Greece”, we were told that “nothing else has changed” on visa access. With regard to cabotage, a ‘dual registration’ scheme was introduced in May 2022, enabling operators with bases in both Britain and the EU to transfer vehicles between these. However, Ms Annetts explained that these arrangements can “work only for big hauliers that look after people like Elton John”, since typical British orchestras do not have access to a fleet of trucks or multiple bases. She added that on CITES the issues were “getting worse”, following the Government’s decision not to designate the Eurostar terminal at St Pancras International as a port where musical instrument certificates can be checked.”

The European Affairs Committee expressed disappointment “that very little progress has been made in addressing the challenges faced by creative professionals wishing to work and tour in the EU”. It recommended that these issues should be taken up with the EU by the Foreign, Commonwealth & Development Office “as a priority”. It also sought updates from the UK Government on how this issue is being progressed through the mechanisms associated with the TCA and with individual Member States.

The [UK Government’s response to these recommendations](#) stated that it had raised this issue through “the TCA Governance structure on a number of occasions”. It also stated—

“Since the UK left the EU, the Government has engaged at pace bilaterally with EU Member States on their entry requirements for touring artists. Through this engagement, the Government has been able to confirm that UK musicians and performers do not need visas or work permits for some short-term touring in the vast majority of Member States. This includes Spain, one of the UK’s biggest touring markets, which introduced 90-day visa and work permit free touring in November 2021 following engagement by the UK Government and the sector. We are engaging the four Member States that do not provide any visa or work permit free routes and continuing to engage Member States that provide less liberal access than ourselves. However, ultimately it is up to these countries to match the UK’s generous rules.”

The [Independent Society of Musicians published a report in August 2023](#) on the impact of leaving the EU on musicians and the music sector. This was based on a survey of “408 respondents completed the survey, representing a wide range of roles and genres.” The methodology of the survey was not set out in the report (ie whether the 408 respondents were a self-selecting sample is not clear); it is therefore unclear to what extent the results of the survey reflect the industry as a whole. The report found that—

“Thematic analysis revealed five clear themes in the responses:

- Fewer work opportunities
- No offers of work at all

- Increased costs
- Increased red tape
- Issues around the 90 days in 180-day period Schengen restriction.

“A small number of respondents had not experienced any change.”

The ISM’s research reported—

“Almost half (47.4%) of the respondents in the current survey said that they had less work in the EU after January 2021 than they did before Brexit. Over a quarter (27.8%) said that they had none at all. Some had left the industry altogether.”

The ISM made a number of recommendations which asked the UK government to work with the EU and individual member states to make it easier for musicians to tour and to seek to reduce the cost and administration of taking equipment and merchandise into the EU.

Ned Sharratt, Senior Researcher (Education and Culture) SPICe
3 November 2023

Note: Committee briefing papers are provided by SPICe for the use of Scottish Parliament committees and clerking staff. They provide focused information or respond to specific questions or areas of interest to committees and are not intended to offer comprehensive coverage of a subject area.
The Scottish Parliament, Edinburgh, EH99 1SP www.parliament.scot

Written submission from the Broadcasting, Entertainment, Communications and Theatre Union (BECTU)

About Bectu

Bectu, a sector of Prospect Union, is the UK's union for the creative industries, representing more than 37,000 staff, contract and freelance workers across the creative industries, including broadcasting, cinema, film and television, digital media, independent production, leisure, IT and telecoms, theatre, live events and the arts.

Bectu aims to protect jobs, win new recognition agreements, and improve pay and conditions of service, and we campaign on issues that matter to our members, including tackling bullying and harassment, widening access to the arts, and freelancer rights and protections.

Further information about the union is available at: www.bectu.org.uk

“There is not a single way that these restrictions have been beneficial to anyone I have encountered in the creative industries. This is terrible legislation that needs changing immediately.” – Bectu member working as a sound engineer

“It's now harder for a new technician starting out, wanting to gain valuable experience and insight from working abroad. As an industry, British technicians in touring are held in high regard given the wealth of experience putting on shows everywhere. The idea that there is a generation that would not have the same ability to gain and add to that collective skillset is such a shameful waste.” – Bectu member working as a lighting designer

“Those American-based production teams are not coming anymore, I've been told that amongst other things, “it isn't worth the risk”, “too much red tape”, “having to deal with work permits, carnets, cabotage is too time consuming and expensive.

“In terms of my colleagues in the industry, those with dual nationality or EU passports are flourishing, those without are not! Many are suffering depression and other mental health issues.” – Bectu member working as freelance camera/vision engineer

The Touring/ live events industry – from thriving to struggling

- The UK is renowned for the skill and expertise of its creative workforce, with many of Bectu's Scottish based members working in Touring and the live events sector contributing to its success.
- The creative industries are one of the UK's most economically successful sectors, accounting for almost 12% of UK exports and contributing £116 billion gross value prior to the pandemic
- The music industry alone is valued at £5.8 billion per annum
- The events industry specifically adds £84 billion the UK economy each year, as well as providing a continuous economic boost to constituencies around the country through touring and the revenue created by venues
- Prior to Brexit, the UK enjoyed an 80% market share of the European contemporary music haulage industry
- It is a sector that excelled, both in terms of the performers and musicians, but also the technical crew and logistical support staff for performances

- Production companies often used the UK as a hub for their European work, due to the high level of skill and talent from UK-based technical staff
- US performers were also drawn to UK production talent, often basing themselves in the UK and hiring the same crew for European or world tours

EU Trade Deal

- The testimonies above touch on just some of the very real logistical, financial and wellbeing challenges facing Bectu members and other Touring/ live events technical workers post-Brexit
- The impacts of the failure to include an EU-wide cultural work permit and visa free travel for touring professionals and artists have also been well documented by the [Carry on Touring](#) campaign group, created by Bectu member Tim Brennan
- The requirements of the deal have inhibited the growth of the live events sector, and put many Bectu members, and countless other artists and technical professionals, out of work
- Acquiring visas for every European country has placed a huge financial and logistical burden on performers and their crew
- UK citizens may only work in the EU for 90 days within a 180-day period – this is shorter than the length of some tours. Many Scottish Technicians would spend more than half the year working in Europe rolling from one tour straight into the next.
- Not only has the EU Trade Deal threatened financial stability, but it has hampered the industry's recovery after the pandemic
- Performers, as well as both US and European based production companies, are now avoiding hiring Scottish based workers, due to the logistical burden that their employment brings – leaving thousands of highly trained and skilled technical staff without work
- Bectu has long been campaigning, alongside other unions, performers, and industry professionals, for **the UK Government to reopen negotiations with the EU and secure a free cultural work permit to allow free movement of touring professionals, and to secure a Carnet exception for touring equipment, for both long- and short-term tours.**
- In 2021, CMS claimed that the Government had secured visa and work permit free access to 20 EU member states for musicians and crew for short term tours
- **This claim was severely lacking in detail in several areas**, including which professions were covered, the definition of a short tour, the aggregation of time spent in EU member states, movement between member states and details on the transportation of equipment and tour vehicles.
- CMS has since provided no detail or clarity on these matters.
- Whilst the government has published guidance for touring professionals, checklists and reminders are simply not enough

Bectu members – case studies

- Bectu members and thousands of other freelancers who make a living in the Touring sector have had their working patterns, sources of income and mental health and wellbeing severely impacted
- Without the opportunities provided by straightforward travel to the EU, and the ability to continue to participate fully in the EU's cultural life, musicians and creative professionals are being forced out the sector
- European and American production companies and artists now simply avoid hiring British technical workers. Technical crew are faced with an unstable employment pattern, where months can go by without any work
- Additionally, the UK was previously very much the home of specialist touring trucks, but Brexit has seen most of these organisations move registrations to EU states to avoid bureaucracy and complications
- Drivers of now EU registered lorries need to pass the EU's Certificate of Professional Competence test, as Brussels no longer recognises qualifications from UK drivers – the tests take five days and must be done in Ireland
- For someone who owns a business that transports equipment and musicians around Europe, to qualify 200 UK qualified drivers would cost £200,000
- This not only brings financial implications, but has an adverse effect on the mental wellbeing of thousands of technical staff
- To fully understand the impact that the EU trade deal is having on technical workers who previously toured in the EU, it is perhaps best to hear first-hand from workers – SEE BELOW

Bectu member working as a freelance camera/vision engineer

“Since the Brexit curtain came down, I have found it increasingly difficult to find work, mainly because the larger tours source management and production teams from the USA. Those production teams used to come to Europe to tour, picking up UK technicians and equipment, which is where we would meet. 9 times out of ten, they would then keep me on for the rest of the world tour.

“Those American-based production teams are not coming anymore, I’ve been told by a few people I know that amongst other things, “it isn’t worth the risk”, “too much red tape”, “having to deal with work permits, carnets, cabotage is too time consuming and expensive”.

“I have been looking for full time work utilising my technical skills, but as a 57yr old I don’t even get shortlisted. It has and is effecting my mental well-being and my confidence, the feeling of nobody wants me anymore is quite depressing. Not earning has meant I have had to live on savings, which doesn’t bode well for the future.

“In terms of my friends and colleagues in the industry, those with dual nationality or EU passports are flourishing, those without are not! Many are suffering depression and other mental health issues.

“Also, the cost-of-living crisis is hitting ticket sales, which in turn hits us all.”

Bectu member working as a lighting designer/operator

“I am now in the position where I have to have an ATA carnet (‘passport for goods’) for my small amount of lighting control equipment when working in the EU. Aside from the many wasted extra hours in airports and at borders there is a cost to this. It has at times been easier to have production hire equipment locally for me, which means I lose out on the hire fee of my equipment and makes me question investing in new kit.

“I also have to be mindful of the amount of work I do in Europe as I am now limited, where before I wasn't. Now hopping over to the Netherlands or France for a one-off festival in between tours suddenly becomes an issue, if I have a tour booked later in the year for instance.

“All of this extra cost and red tape makes me less attractive to international acts on paper than a tech with the ability to work in the EU countries without a visa. Aside from that **every hour I spend on administrating my ability to work in the EU is completely wasted** compared to not having had to do any of it in the whole of my working life up until Brexit. It's all such an unnecessary, wasteful set of obstacles to my business of making shows look great for audiences.

“It just reduces opportunity to go out, do shows, make money (and then pay tax to HMRC on that money). **It's surely harder for a new technician starting out, wanting to gain that valuable experience and insight from working abroad.** As an industry, **British technicians in touring are held in high regard given the wealth of experience putting on shows everywhere. The idea that there is a generation that would not have the same ability to gain and add to that collective skillset is such a shameful waste.”**

Bectu member working as a sound engineer

“Around a quarter to a third of my income came from working in the EU in 2018 and 2019. **In 2022 it went down to roughly 2% and this year is looking like it will be around 5%.** It should be noted here, I am dual citizen and I have both a British and Irish passport so I am exempt from the 90 in 180 days rule. **The work just isn't there today like it was pre-Brexit. For example; a 3 week-long event I work on that happens in a different country every year has simply been cancelled because it is too expensive to run.**

“Also, I work with a low budget band last year that missed the Eurostar because of a badly run carnet system in Kent, this meant doing our first show on almost no sleep in France, also very dangerous for us and our driver. We've lost sleep several times having to deal with the carnet on the way to Ireland. Not to mention that because of the sheer cost of the carnet, last year some equipment broke, as equipment does with wear and tear. We had to cancel parts of our show and give an inferior performance when performing in the EU. Just because the band couldn't afford to purchase a new carnet.

“I've already accepted that the touring industry, one of last great industries that Britain could really claim to be a true global leader in, is in demise. The costs of exporting our culture are simply too high and thus my work has been diminished significantly. I have now diversified and work more in other sectors of the industry. I recognise I am in a strong position to this as I am experienced and have strong connections in the industry, however by doing this I am taking jobs away from more inexperienced technicians and creating unemployment elsewhere. **The next generation of brilliant events workers are having their career prospects taken away from them.**

“I think it's terrible that myself and my colleagues have had our careers quite literally taken away from us, the rug has been pulled from under our feet. What is even more bizarre is that the UK government hasn't just taken our jobs away from us, but they have gifted them to other countries in the EU. I've met fellow workers, particularly older workers who have done the same job their whole life, developing mental health problems as a result of having to change careers. Some have left the industry completely. Work at home has become more competitive and we are being asked to work longer hours for the same money as budgets are squeezed. There is not a single way that these restrictions have been beneficial to anyone I have encountered in the creative industries. This is terrible legislation that needs changing immediately.”

Written submission from Musicians Union

Introduction

The Musicians' Union (MU) is the trade union for musicians in the UK, with over 34,000 members working across the UK in all sectors of the music business.

Evidence

It is very clear that the new post-Brexit system is much more complex for everyone involved in the music industry to navigate. The MU now has many pages of advice for members on our website,¹ as well as resources like webinars and interactive flow charts, but we still regularly receive queries from members seeking advice on performing in the EU. Members almost never sought guidance from us on performing in the EU before Brexit except in relation to specific contracts, terms, and fees, but we have now appointed a Head of International to fully support members in this area.

Part of the reason for this complexity is navigating the caveats and complex details in the arrangements and guidance for working in the EU. Examples of this include the specific requirements for working in the EU (e.g., in relation to work permits and documentation), which are different in certain countries; the carnet system, which is complex and expensive; the guidance around travelling with "portable music instruments"; the procedures for using "splitter vans" to transport instruments; and the advice on transporting merchandise.

These issues add significant uncertainty and costs to the process of working in the EU, particularly for grassroots, independent, and publicly funded artists and organisations that make up the majority of the music industry. It is much harder for independent musicians living and working in Scotland as well as Scotland based labels, managers, and venues, to work in the EU and with EU-based artists and companies than it was. However, major labels and large companies that tend to be based in London which will usually find these problems easier to navigate and afford. These issues relating to the UK's new relationship with the EU therefore make it harder to sustain a thriving music industry in Scotland and there must be improvements to the UK's trading arrangements with the UK over time, to enable the creative industries to thrive in Scotland. Musicians, especially in the grassroots or 'commercial' areas of the industry, are often even more independent and isolated than workers in other areas of the industry, such as those working on film and TV productions.

We support the recommendations in the UK Music's Manifesto for Music² that calls for a Cultural Touring Agreement, and to create a well-funded music export office.

¹ <https://musiciansunion.org.uk/working-performing/working-overseas/working-in-the-eu>

² <https://www.ukmusic.org/news/uk-music-welcomes-government-plans-to-reintroduce-teacher-training-bursary-for-music/>

Furthermore, in its most recent report *This is Music 2023*³ it details some stark statistics regarding the impact on musicians by the UK's departure from the EU:

- 82% of those impacted said their earnings had decreased.
- 65% received fewer invitations to perform in the EU.
- 57% said it was not possible to take up the invitations due to increased costs.
- 33% said they were unable, or it is uneconomic from them to sell merchandise at EU shows.

These are just a few of the statistics in the report – this is why the music industry has been calling for a Cultural Touring Agreement to be brokered between the UK and the EU either as part of the 2026 TCA review or as an independent side agreement to allow the creative industries on both sides of the channel to continue to develop their music, their audiences, provide economic growth, cultural exchange and for musicians to make a sustainable living. Such agreement needs to find solutions to the 90/180-day rule through a Creative Visa Waiver Agreement, a relaxation of the cabotage rules to ensure those Orchestras with own account vehicles can tour easily and economically, a solution to the costly and time-consuming need for ATA carnets and the barriers to merchandise sales due to the Rules of Origin.

It is very encouraging to see a paragraph on a Cultural Visa Waiver included in the Domestic Advisory Groups joint statement following their meeting in early November 2023.

³ <https://exfmt5ydc6.exactdn.com/wp-content/uploads/2023/10/This-Is-Music-2023-Economic-Report.pdf>

Written submission from Royal Scottish National Orchestra

The purpose of this paper is to provide a summary of:

- The challenges the Royal Scottish National Orchestra (and colleagues in the National Performing Companies) encounter in terms of the mobility of artists between Scotland and the EU.
- Proposed solutions that address these issues.

Work Permits and Visas

Work Permits and Visas challenge: Changes have been made post Brexit which create complex and time-consuming requirements for artists and administrators. Examples include the restrictive Permitted Paid Engagements (PPE) letter, Certificates of Sponsorship and the Global Talent Visa which is laborious to complete.

Example: Royal Scottish National Orchestra (RSNO) and Royal Conservatoire of Scotland (RCS)

A musician from a prestigious orchestra in Germany was working with the RSNO for two weeks. The RCS learned this musician was working with us and invited them to take a masterclass with their students. The restrictions of the letter of invitation did not permit them to take up this opportunity and so the students missed out.

- PPE letters are onerous for artists to complete. The letters present Scotland as an unwelcome place to enter and work. The letters also make it challenging to accept multiple engagements in the UK.
- A Skilled Worker Visa makes it problematic to accept engagements with multiple organisations.
- The Global Talent Visa and the Skilled Worker Visa (and the associated NHS surcharge) come at a financial and administrative cost which pre-Brexit, an artist or arts organisation would not have incurred.
- Touring to the EU since Brexit requires more documentation than was required previously (e.g. A1 certificates which are highly labour intensive to process). The RSNO has had to hire additional support staff to do this pre-tour.

Work Permits and Visas solution: Streamline visa and work permit processes for artists, ensuring that they are accessible, efficient and can be flexible to cover multiple performances.

New Graduates/Freelancers

New Graduates/Freelancers challenge: EU nationals who have studied or are currently studying at UK conservatoires face additional challenges with visas and right-to-work. Freelance work is vital in the early stages of a musician's career – unlike some professions it is rare for a graduate to be hired straight into a job in an orchestra upon graduation. A musician invests in their studies and the conservatoires invest in them. In the past, the RSNO could offer work to EU nationals currently studying. Current restrictions such as student visas allow a maximum of 20 hours part time work. EU national graduates must spend more time and money on visa processes to remain in the UK deterring them from remaining and using the skills learned here to contribute to our talent pool.

New Graduates/Freelancers solution: Establish and maintain cultural working agreements for students and freelancers to facilitate smoother processes and reduced bureaucratic obstacles.

Logistics of Transportation and Touring Charges

Increased transportation costs and logistical challenges is proving a barrier to mobility for orchestras and other large-scale arts organisations.

Cabotage challenge: Under cabotage rules, unless a truck (operator's licence) is registered in and operates from an EU country then it cannot operate freely there. A UK based/registered outfit can only go to there to an initial destination (one stop) then onwards to a secondary destination before

having to return to the UK. It is estimated, this post Brexit change in legislation, has tripled RSNO trucking costs.

Cabotage solution: Provide a special exemption for when other alternatives are not available (e.g. rock n roll use EU based outfits such as Fly-by-Nite). These larger haulage firms can easily have depots registered in both UK & EU.

Additional Ports challenge: General movement requires paperwork in place for inland pre-departure checks before arriving at a port.

Additional Ports solution: Improving transportation logistics would reduce costs and make it more feasible for artists to move their work and materials between Scotland and the EU.

Carnet challenge: An agreement reached post Brexit with the EU means that currently ATA Carnets (a travel document needed for instruments and equipment) are a reality for musicians working in the EU. The RSNO can pay up to 5-digit sums for these carnets on a European tour.

Carnet solution: Carnets could only be mandated for very valuable instruments and a waiver could be created for items under a certain threshold (e.g. concert clothes).

Net Zero and Touring

Net Zero Challenge: It is currently challenging to reduce carbon emissions and tour. Arts organisations have a responsibility to encourage greener travel. Air travel is not only one of the most significant contributors to climate change, it is also expensive especially for groups who are impacted negatively by airline's dynamic pricing policies. The RSNO is working towards lowering carbon emissions by focussing on European touring and using digital capabilities to connect with long haul destinations (e.g. RSNO relationship with Chicago Scots).

Net Zero Solution: Provide subsidies for travelling by rail and multi-modal travel connections (where transport providers could be held responsible if a delay is caused by a different provider).

Understanding the Value of Touring to Scotland

International touring allows the RSNO, and our fellow National Companies, to promote Scotland overseas and build connections with audiences and professional networks in other countries. European artists performing in Scotland promote the nation as a desirable place to visit. The Scottish Government's International Touring Fund support greatly assists the RSNO's effort to showcase Scotland's talent on the European stage.

The value challenge: In recent times, the International Touring Fund is reported to have come under threat and has only been secured late in the touring cycle.

The value solution: Commission an impact study to better understand the economic and reputational benefits that touring to the EU contributes to Scotland. Securing the International Touring Fund grants earlier would enable tours to the EU to be planned ambitiously and with confidence.