

Brexit Factsheet

INTRODUCTION

The UK finally left the EU on 31 December 2020, from which point its future relationship with the EU is subject to the [EU-UK Trade & Cooperation Agreement](#).

IMMIGRATION AND SHORT TERM VISITORS

Freedom of movement ceased on 31 December 2020. We recommend viewing the ABO's [Immigration Webinar](#) with Alison Hunter of Wesley Gryk. The UK's new immigration system, which applies to all EEA and non-EEA citizens equally, is outlined in our Visa Factsheet.

UK NATIONALS TRAVELLING TO AND WORKING IN THE EU

The rules for travelling or working in Europe have changed from 1 January 2021. See [UK nationals travelling to the EU: essential information](#). Unfortunately this guidance does not explain how each of the EU Member States will deal with short term working.

The European Commission has confirmed that UK citizens will not need a visa for short stays in the Schengen area or elsewhere in the EU, and will be able to stay for up to 90 days in any 180 day period. Visits to the Schengen area within the previous 180 days before the date of travel will count against the 90-day limit. The 90 day visa period, however, does **not** entitle third country citizens to **work** in the Schengen area, and many countries now require a work permit.

If you are intending to stay in the Schengen area for longer than 90 days, or your stay would take you over the 90 days in the 180-day limit, you may need to get a visa before you travel.

Work permits are within the national competence of each EU member state, and we recommend that members look at the [guidance](#) produced by the LIVE group – you can click on each country to see what we know about their current rules. This shows that some EU countries have exemptions for visiting artists or short-term employment, but crucially, others do not. We recommend having a conversation with the promoter to confirm the rules in their country, as they should be able to advise and have experience of bringing in ensembles from other non-visa countries such as the USA and Japan. The ABO is able to direct questions on visas to our partner Viva La Visa.

Other issues of relevance to ABO members are:

- you may need to renew your passport earlier than planned.
- you should take out appropriate travel insurance (including health cover) before travelling abroad.
- using your mobile phone in the EU may become more expensive.
- if you intend to use a bank card or other financial services in the EU after exit, this may be affected.

- if you intend to drive in the EU after exit, you may need a green card from your insurer.
- you may need an International Driving Permit to drive in the EU after exit.

For further details on Brexit Information for each EU country visit click [here](#).

TOURING

The UK Government has published guidance on [Providing Services to EEA and EFTA countries after EU Exit](#). This confirms that the UK no longer operates under the European Economic Area (EEA) regulations for the cross-border trade in services. It also includes links to specific guidance for each EU country.

SOCIAL SECURITY AND AIs

The Trade & Cooperation Agreement includes provisions for the continued co-ordination of social security systems, which all EU countries have signed up to. This means that the AI system will continue.

CUSTOMS

The UK Government has published details of new [Border Controls](#) from 1 January 2021. There are specific sections on CITES and ATA carnets.

Moving goods to and from the EU through roll on roll off ports or the Channel Tunnel - this [guidance](#) outlines arrangements for importers or exporters, using roll on roll off ports or the Channel Tunnel to transport goods between the EU and the UK after 1 January 2021.

The Government has published its [plans](#) to keep trade flowing at the end of the transition period, including [Kent traffic management](#).

- **Manston Airfield** : off-road site designed to hold traffic heading for the Port of Dover. Border readiness checks will take place here to ensure hauliers have correct paperwork.
- **Ashford Sevington Inland Border Facility** : off-road site next to junction 10A of the M20, likely to be used if the M20 contraflow approaches capacity.
- All HGVs using the Dover/Eurotunnel crossings must obtain a digital **Kent Access Permit**.

ATA Carnets

Members will now need [ATA Carnets](#) for temporary import and export between the UK and the EU, and between Great Britain and Northern Ireland, when moving musical instruments and other equipment by truck or cargo. Carnets are not required by individual musicians carrying their own instrument, whether for professional or personal use, which can be declared for temporary admission by simply going through the green or 'nothing to declare' channel on arrival into the EU and UK.

The advice previously given to members on moving goods through the Port of Dover and Eurotunnel with an ATA Carnet now applies.

Export through Eurotunnel or Dover

To have your ATA Carnet processed, you will need to go to one of:

- **North Weald Airfield; Ebbsfleet; or Sevington**

Import through Eurotunnel

- Go to **Stop 24** , alternatively **Sevington** or **Ashford International Truck Stop**

Import through the Port of Dover

- Go to **Dover Western Docks**, alternatively **Sevington** or **Ashford**

If using the **Port of Holyhead**, it cannot process ATA Carnets so you will need to go to Roadking Truckstop. Open Monday to Sunday: 7am to 10pm. You must enter the ATA Carnet processing area no later than 9:45pm.

If departing **from Hull to Zeebrugge, Belgium or from Hull to Rotterdam, Holland** please call 01482 785851 or 01482 785852 or 01482 785848 five days prior to departure to ensure an official is available at Hull Port to stamp your carnet before departure. There are not specific requirements for ATA carnet movements via Dutch seaports so normal ATA carnet procedures apply. The only thing that should be taken into account are the opening hours of the customs offices in the ports which can be found [here](#). This link will give you an overview of the customs offices in the Netherlands (only available in Dutch).

If departing **from Portsmouth to Santander or Bilbao in Spain** please call 02392 852106 or 02392 852107 five days prior to departure to ensure an official is available at Portsmouth Port to stamp your carnet before departure.

If departing **from Harwich to the Hook of Holland** please email: borderforceharwich@homeoffice.gov.uk five days prior to departure to ensure an official is available at Harwich Port to stamp your carnet before departure.

If departing **from Teesport (Middlesbrough) to Rotterdam**, please call 01642 440111 five days prior to departure to ensure an official is available to stamp your carnet. If departing from Immingham please call 01469 553711.

All drivers also have the option to use the inland border facilities at Birmingham and Warrington for outbound Dover and Eurotunnel traffic.

Exporting or importing objects of cultural interest

The UK Government has updated its [guidance](#) on the export or import of object of cultural interest. From 1 January 2021 you will need a UK licence to export cultural objects from the UK to any destination. You will no longer need to apply for the EU licence.

There are no licensing requirements for importing objects of cultural interest into the UK. However, if you are importing items from the EU to the UK or another country outside the EU you will need to comply with the EU and individual EU countries export licensing regimes.

CITES MUSICAL INSTRUMENT CERTIFICATES

ABO members need to prepare themselves for inspections of CITES Musical Instrument Certificates from 1 January 2021, both between the UK and EU, and between Great Britain and Northern Ireland.

Of particular importance to ABO members is the [guidance](#) on trade in, or travel with, endangered animals or plants, or their products. This includes a list of [CITES-designated points of entry and exit](#). Please note that this does not include Eurostar.

In relation to entering the EU, the designated ports for entry and export are published at http://ec.europa.eu/environment/cites/info_entry_points.htm. The European Commission is planning to update this list as there are some Member States which are identifying further ports of entry. In case of doubt we encourage members to contact the competent authorities of the relevant Member State (<https://cites.org/eng/cms/index.php/component/cp>). We have had confirmation, for example, that all airports in Germany have been designated as inspection ports.

To import CITES specimens into the UK through Eurotunnel you must present your CITES documents for endorsement at **Sevington** (Sevington Inland Border Facility, Junction 10A, Ashford (Aviva), Nightingale Close, Sevington, TN24 0TP). You must [make a customs declaration on the CHIEF system](#) before you transport them.

If you're exporting specimens from the UK through Eurotunnel, you should prepare for it to be very busy. You may present your CITES documents to Border Force at **Ebbsfleet** (Ebbsfleet Carpark D, Gravesend, DA10 1AE) but if possible present it at another [suitable designated point of entry and exit](#) away from Kent before you travel through Eurotunnel.

For Dover, the documents will need to be presented at **Dover Western Docks** (Freight Clearance Centre, Lord Warden Square, Western Docks, Dover, CT17 9EQ. Signs at the port will direct you to the Freight Clearance Centre.).

The Border Force office has a 24 hour service, Monday to Sunday, at all these locations.

The UK Government has also said that that "where ports do not have the space, HMG proposes that the following inland locations provide Common Transit Convention facilities (and ATA Carnet and CITES permit wetstamping) from 1 January 2021:

1. Ebbsfleet International Station
2. North Weald Airfield
3. Sevington, Ashford
4. Warrington

The use of these sites is subject to securing any necessary planning and regulatory approvals".

We will advise members when we get further news.

The ABO has secured a concession from the UK and EU CITES authorities that they will accept a batch of Musical Instrument Certificates instead of a Travelling Exhibition Certificate, as follows:

- a) all instruments are transported between the UK and EU as cargo;
- b) each separate instrument has a Musical Instrument Certificate;
- c) each musician has issued an informal power of attorney authorising the orchestra to include their instrument in the cargo shipment.

This would mean that the person that the instrument(s) has been signed over to and travelling with the cargo would be the point of contact for all the instruments.

Members may still wish to avoid the need for Musical Instrument Certificates altogether by requiring their musicians to have second instruments that do not contain CITES-listed materials. Alternatively, the musician can carry their instrument as hand luggage and be responsible for inspection of the Musical Instrument Certificate.

GB-NI Movements

These also need CITES permits, in essence the same rules apply for GB to EU27 and NI movements.

If you are moving your musical instruments or equipment between GB and NI, you can register for the free trader support service to help you understand the requirements. Further detail can be found [here](#) and at the following links:

- [Trading and moving goods in and out of Northern Ireland](#)
- [Moving goods temporarily into and out of Great Britain and Northern Ireland](#)
- [Bringing commercial goods into Northern Ireland in your baggage](#)

ROAD HAULAGE

The Government has published new [guidance](#) on international road haulage from 1 January 2021.

Prior to the UK's exit from the EU, road hauliers benefited from unlimited cross-border movements in all Member States. A surprise in the Trade & Cooperation Agreement was the imposition of limits on road haulage to no more than two laden journeys after the initial journey into the EU before the operator must bring their vehicle back to the UK. This makes the standard touring model of moving musical instruments and other equipment by truck from the UK to multiple venues in multiple countries impossible.

A specific concern for the ABO is that many of its members operate their own trucks, which means they are operating on 'own account' rather than 'for hire and reward'. Under the European Commission's [Regulation 1072/2009](#), operating on 'own account' should be exempt from limits on 'cabotage operations'. It is unclear why this exemption was not included in the Trade & Cooperation Agreement.

It would appear that the only solution is to hire in an EU-registered road haulage operator, at additional expense, or for the orchestra to get its vehicle registered with EU plates.

The Trade & Cooperation Agreement does at least provide an exemption from licensing when operating on own account.

We have begun to gather details of EU-registered hauliers used by orchestras in Member States which so far include:

- France [Excess Events](#) and [Sogetra](#)
- Germany [Heed Events Logistics](#) and [Kohlhardt](#)
- Netherlands [Hizkia Van Kralingen](#) and [Pieter Smit](#)
- Spain [Mapa Logistica](#), [Kuehne Nagel](#) and [Servicio Movil](#)
- Sweden [TTS — Tour and Transport Service](#)

Members have expressed puzzlement over the 'cabotage' rules so we have sought the following clarification from the Department for Transport:

It means that you can do one cabotage movement but it must take place within 7 days of unloading the inbound load from the UK. You can take your equipment from your base in the UK to do a concert in Paris. Unload in Paris on 1st June 2021. You then want to undertake a cabotage journey to Bordeaux for concert #2. You can do that as long as you do it within 7 days of unloading in Paris. So you'll have until 7th June 2021 to go to Bordeaux. After the second unload, you will have two choices:

1. Return to the UK
2. Cross-trade to another EU Member State

You can do up to two additional movements within the EU after the initial bilateral journey, but only one of those may be cabotage. Although it's worth noting that if you are an NI operator, both of the additional movements may be cabotage if they are performed in Ireland. There is no time limit on cross-trade.

ROAD.4, (4)(b) is also worded in a way that means the cabotage has to be in the country in which you first unloaded. So you can do London-Paris-Bordeaux-Berlin; but you couldn't do London-Paris-Berlin-Munich.

INTELLECTUAL PROPERTY

The UK Government has issued [guidance](#) on how copyright law will be applied from 1 January 2021.

The EU and UK have reached a [Data Adequacy Agreement](#) which means that data flows between the European Economic Area and the UK continue and remain safe.

The Information Commissioner's Office (ICO) has issued a [statement](#) on data protection now that the Transition Period has ended.

CREATIVE EUROPE

Creative Europe has not been included in the list of EU programmes the UK Government wishes to continue to participate in.

The new Creative Europe programme launched on 1 January 2021 and lasts until 31 December 2027. It will be open to the participation of non-EU countries.

The information included in this note is for general information and guidance purposes only and is not a substitute for professional advice for which you should contact your own legal advisor.