

# EU-UK Trade & Cooperation Agreement Briefing

This briefing outlines the key challenges that UK-EU Trade & Cooperation Agreement raises for orchestras and other classical music organisations.

## TOURING

As has been well reported, the EU and UK failed to reach agreement on a **visa waiver** for performers, which means that EU countries now treat UK citizens as visa nationals when entering the EU to do paid work. This means that musicians may well need a visa and work permit, depending on the rules in each of the EU27 countries.

While some EU countries apply an exemption from work permit rules for performers, along the lines of the UK's Permitted Paid Engagement, not all do, and it is fair to say that this will make multi-country touring significantly more complicated and expensive. As a result, our members are already hearing concerns from European promoters that they are not likely to book British artists and ensembles for concerts in the future.

As an example, Spain now requires applicants for work visas to apply in person at the Embassy or visa centre, and pay £232 per visa. This means that touring to Spain, a key market for British orchestras, will be financially unviable.

***We urge the EU and UK to re-enter negotiations and agree a visa waiver for performers, as exists between the EU and other 'third countries'.***

Orchestras will also need to navigate new customs controls between the UK and EU, including **ATA Carnets** and **CITES Musical Instrument Certificates**.

The ABO has ascertained from the European Commission and HMRC that 'portable musical instruments' are exempt from customs declarations on entering the UK and EU, and therefore do not need a carnet. This exemption, however, only applies to individual musicians carrying their instrument. Transportation of musical instruments by truck or cargo will require carnets and be subject to 'wet stamping' on both sides of the border to enable temporary import/export of the instruments and other goods. This will add to the cost and bureaucracy of tours.

The ABO has had clarification from HMRC that carnets will also be required between Great Britain and Northern Ireland, This adds to the concern that movement of goods between Great Britain and Northern Ireland is at a disadvantage compared to the movement of goods within the rest of the UK.

CITES Musical Instrument Certificates are required for instruments containing listed species such as ivory. These need to be stamped on both sides of the border, not only between the UK and the EU, but also between Great Britain and Northern Ireland. This will require

orchestras and musicians to use designated ports of entry and exit, limiting their options. As an example, Eurostar is not a designated port, meaning musicians have no option but to fly into Europe, rather than use the greener option of the train.

The requirements for ATA Carnets and CITES Musical Instrument Certificates will add to the time taken for orchestra trucks to cross the border, added to which will be risk of being caught up in delays caused by all the other vehicles needing customs inspections. All of which means that orchestras are having to plan for additional days on either side of the tour to accommodate delays and additional bureaucracy, denting the financial viability of the tour.

***We urge the UK Government to support a proposal from the USA at the next CITES COP in 2022 to exempt musical instruments from the need for CITES certificates.***

Prior to the UK's exit from the EU, road hauliers benefited from unlimited cross-border movements in all Members 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 so many of its members operate their own trucks, adapted at sizeable expense to accommodate fragile and high-value musical instruments, including humidity and temperature controls. This 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' is 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 for the UK's orchestras to hire in an EU-registered road haulage operator, at additional expense, or get their vehicles registered with EU plates. Either way, this will mean loss of jobs for UK-based specialist hauliers and drivers.

It is worth pointing out that the same limits apply to EU-registered road haulage operators coming into the UK. However, the volume of concert tours by the UK's orchestras and the wider music industry into the EU far outweighs traffic in the other direction.

***We urge the UK Government and the EU to negotiate a mutually beneficial exemption from road haulage limits for the movement of goods for cultural purposes, or at the very least to exempt operating on own account.***

It is important to point out that the UK's orchestras generated £14.4 million of earned income from foreign touring in 2019, of which £8.4 million came from touring in the EU (12% of total earned income that year). Any reduction in that income will damage their already fragile business model, in addition to damage to their international reputation.

## **IMMIGRATION**

There has been some misreporting about visa arrangements that will exist for EEA citizens entering the UK as paid performers.

In relation to permanent employment of EEA nationals in the UK, there will no longer be one immigration system for non-Europeans and another for EEA citizens ie. the new Points Based System for Migrant Workers applies to all. In consequence, orchestras recruiting EEA nationals as permanent salaried musicians or other members of staff will be subject to additional costs and bureaucracy, in line with other employers.

While the ABO welcomes the reduction in the salary threshold for Tier 2 visas to £25,600, we are concerned that musicians will be subject to a higher salary threshold of £27,000 per year. It is not clear how this 'going rate' has been determined.

There will also no longer be a distinction between EEA and non-EEA citizens under the Short Term Visitor Routes, with EEA citizens treated as 'non-visa nationals'. This is a crucial distinction as it means that for Permitted Paid Engagement, which allows for entry into the UK to take part in performances for up to 30 days, there is no need for prior entry clearance and no fee.

There is, however, an unresolved issue regarding EEA citizens resident in their country but coming into the UK on a frequent and regular basis to do paid engagements.

We had hoped that Permitted Paid Engagement would work for this type of musician, but are concerned that the Home Office 'caseworker' guidance permits border officers to refuse entry to anyone they deem to be making "frequent and successive repeat visits". This creates a risk that EEA-resident musicians coming into the UK to rehearse and perform will be refused entry, jeopardising the concert. As the musician will be in the country for as little as 3-4 days, it may be impossible to find a last-minute replacement.

The Home Office has indicated that such workers may need a UK visa, but there is no appropriate visa route for self-employed musicians coming into the UK on a regular basis to work for multiple engagers. Tier 2 and Tier 5 visas are predicated on applicants having a job with a single employer.

***We urgently need clarification from the Home Office that they recognise the highly mobile nature of our industry, and that musicians coming into the UK on a frequent and regular basis to fulfil engagements with our world-leading orchestras will not be turned away at the border.***