

Research Briefing

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Touring artists and the UK-EU economic partnership



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Summary

After the UK exit from the EU, performing artists can no longer tour and work freely across the EU and the UK. As a result of leaving the EU Customs Union and the single market for services, UK touring artists are facing additional administrative requirements and costs.

The lack of specific provisions in the UK-EU Trade and Cooperation Agreement (TCA) means that UK performers must consider individual regulations of each of the 27 EU Member States. Currently 24 out of 27 Member States offer some time-limited visa- and work permit-free routes for touring, but administrative requirements and permitted duration of stay vary significantly.

For example, in Austria a UK musician would require a work permit to perform for longer than a day (or four weeks as part of an overall production), but this would not be necessary in France if they take part in a cultural event and stay there less than 90 days.

Transporting equipment for tours, such as musical instruments, props, stage lighting, or merchandise, must comply with the customs regulations set out in the TCA. Moving such goods may be subject to restrictions on road haulage movements introduced by the agreement.

While EU artists must also comply with new administrative requirements in the UK, in practice the touring arrangements have an asymmetric effect, with UK touring artists facing more difficulties. This is not least because of a single set of UK rules versus 27 sets of immigration and work permit regulations in the EU. Also complying with road haulage restrictions within the smaller UK market may be easier while UK artists touring the EU may need to hire EU-registered vehicles.

The arrangements are particularly challenging for young and less established artists, both from the UK and EU.

Urged by industry representatives, the UK Government has clarified the immigration and work permit rules with individual Member States and has agreed some easements for touring bilaterally, for example with Spain.

UK industry representatives are calling for further action, including an EU-wide visa waiver for creative industries or a 'cultural exemption' from the TCA. The European Commission's and UK Government's position is that there's no prospect of changing the TCA in the near future.

1 UK touring artists and the EU

1.1 Sector's share in the UK economy

[Arts and entertainment sectors](#), including the performing arts (theatres, concerts, live music etc.) their support activities, and creative arts and writers, contributed £9.5 billion in gross value added (GVA) to the UK economy in 2022 compared to £7.4 billion in 2021 (0.4% of total UK economic output in 2021 and 2022).¹

In real terms, that is adjusted for inflation, these sectors contributed £9.2 billion in GVA to the UK economy in 2022.²

According to estimates of the Department for Digital, Culture, Media & Sport (DCMS), there were 231,000 jobs filled in the arts sector between April 2022 and March 2023. This is about 35,000 jobs less than in the period from April 2021 to March 2022, when there were 266,000 jobs in the sector.³

1.2 Exports of arts and entertainment activities

UK exports of creative, arts and entertainment services more than doubled in cash terms in the period from 2016 to 2019, from £1.9 billion (0.7% of the overall UK service exports) to £4.2 billion, which was 1.2% of the overall UK service exports.⁴

Having contracted by 59% to £ 1.7 billion in 2020, partially due to travel restrictions brought about by the Covid-19 pandemic, overall exports of these

¹ ONS, [UK Standard Classification of Economic Activities 2007](#), 90 Creative, arts and entertainment activities; ONS, [Low-level aggregates](#), 29 September 2023; series KKB3; This data is in current prices, meaning without considering the inflation

² ONS, [Low-level aggregates](#), 29 September 2023; series KL8J; Data in chained volume measures (adjusted for inflation)

³ Economic Estimates: [Employment in the DCMS Sectors, April to March, 2021-2023](#), Tables 2 and 3

⁴ UK exports in this sector refer to the value of final sales to buyers resident overseas, including services consumed in person or online, and by tourists visiting the UK. See WTO, [GATS training model: 1.3 Definition of Services Trade and Modes of Supply](#). Export data in this sector include data on live performers and their support staff touring overseas, but also activities of individual visual artists and writers.

services recovered to £2.7 billion in 2021, which was 64% of the pre-pandemic level.⁵

However, post-pandemic exports to non-EU countries have recovered faster than exports to the EU, increasing from £1.2 billion in 2020 to £1.9 billion in 2021. This is about 70% of the 2019 pre-pandemic level of £2.6 billion. Exports of these services to the EU grew from £0.6 billion in 2020 to £0.8 billion in 2021 but were still down 50% compared to £1.6 billion in 2019. Exports to the EU as a share of the total exports in these sectors have dropped from 38% in 2019 to 30% in 2021.

| UK exports of creative, arts and entertainment activities | | | | | | |
|---|------|------|------|------|------|------|
| £ billions | | | | | | |
| | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
| EU | 0.8 | 1.2 | 1.7 | 1.6 | 0.6 | 0.8 |
| Non-EU | 1.1 | 1.7 | 2.7 | 2.6 | 1.2 | 1.9 |
| World | 1.9 | 2.8 | 4.4 | 4.2 | 1.7 | 2.7 |
| % service exports | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
| EU | 0.8% | 1.0% | 1.4% | 1.3% | 0.5% | 0.7% |
| Non-EU | 0.6% | 0.9% | 1.4% | 1.2% | 0.6% | 0.8% |
| World | 0.7% | 0.9% | 1.4% | 1.2% | 0.6% | 0.8% |

Source: ONS, [UK trade in services by industry, country and service type, exports](#)

1.3

UK music industry's trade with the EU

The music industry makes up a significant proportion of the UK arts and entertainment sectors. According to analysis by UK Music, an umbrella organisation, in 2021 the music industry contributed £4 billion to the UK economy in gross value added terms. This was an increase compared to 2020 but 31% down on the £5.8 billion the industry contributed in 2019, pre-pandemic.⁶

In 2019, the music industry generated £2.9 billion in exports. In 2020, industry exports fell to £2.3 billion, but they have recovered somewhat to £2.5 billion in 2021. A significant share of that export has been to the EU. UK Music assesses that Brexit-related barriers, alongside a lack of international touring, and few music tourists visiting the UK, have restricted export recovery after the Covid-19 pandemic.⁷

⁵ ONS, [UK trade in services by industry, country and service type, exports](#), May 2023; this data is part of an experimental dataset with the most recent data covering 2021.

⁶ [This is Music 2022](#) report, UK Music, September 2022, pp28-29

⁷ UK Music, [This is Music 2022](#) report, 2022, p11

Many UK artists perform regularly in EU countries. Especially musicians relied on international touring in the EU before Brexit, because of the proximity of the EU market and free movement rights. It was said in a House of Lords debate on UK musicians working in Europe, that ‘[half of our musicians earn half their income in the European Union](#)’.⁸

The Association of British Orchestras (ABO) estimates that in 2019, [the UK’s orchestras generated 12% \(£8.4 million\)](#) of their total earned income from touring the EU.⁹ Analysis of artist setlist data shows that for the UK music industry in 2019, the EU market was four times the size of the US (the second biggest) in terms of the number of performances of British music.¹⁰

Musicians experience change

An August 2023 report of the Independent Society of Musicians (ISM), [Paying the price](#), details the effect of leaving the EU single market on UK musicians touring in the EU. The report is based on a survey of 400 musicians and others employed in the industry who were asked about their experience with working in Europe after January 2021.¹¹

The headline figures of the report say:

- Almost half (47.4%) of the respondents 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 no EU work at all
- Over a third (39%) of respondents had had to turn down work since 1 January 2021; 40% had had work cancelled in the same period
- The most frequently cited expense was for visas and work permits (23%), followed by carnets¹² (18%) and travel costs (14%)¹³

The report concludes that the terms of the TCA have had an “enormously damaging effect on musicians’ ability to work in Europe.”¹⁴

⁸ HL Deb 3 February 2021 [[Music Sector: Working in Europe](#)] vol 809 c2157

⁹ Association of British Orchestras, [FTA & Brexit Briefing](#), 3 February 2021

¹⁰ UK Music, [This is Music 2022](#) report, 2022, p29

¹¹ “[Quarter of music industry workers have had no work in EU since Brexit](#)”, The Guardian, 22 August 2023

¹² Carnets are international customs documents certifying temporary admission of goods in a country. See further section 2.4.

¹³ Dr Jodie Underhill, Naomi McCarthy, Deborah Annett, [Paying the Price. The sixth ISM Brexit report](#) (PDF), The Independent Society of Musicians, August 2023

¹⁴ As above

2 New economic partnership

2.1 Outside the EU single market

Being outside the EU Customs Union and the single market for services means a profound change for UK service providers in the EU and for EU providers in the UK. This affects creative artists, both businesses and individuals, embarking on tours.

Since 1 January 2021, the [Trade and Cooperation Agreement](#) (TCA) is the foundation of the UK and EU economic partnership. Creative performers wishing to tour in EU Member States and the UK respectively, face new arrangements with regard to:

- the movement of persons and the right to provide services; and
- the movement of goods.

The TCA does not provide for freedom of movement or freedom to provide services. UK service providers who wish to work in the EU now need to consider the 27 different regulatory regimes of each Member State. They must comply with the national immigration regulations, rules on work permits and employment laws of the Member State where they plan to work.

In return, the UK maintains control over its own immigration rules and access to work.

2.2 Market access and non-discrimination

The Trade and Cooperation Agreement gives service providers mutual access to the EU and UK markets. It establishes that service providers – businesses and individuals – of one party are treated similarly to domestic providers in the market of the other, avoiding discrimination (they are given ‘national treatment’).

There are specific provisions on trade in services simplifying access for short-term business visitors, contractual service suppliers and self-employed individuals. However, entertainment services or touring are not listed among the covered sectors. Also, the TCA provisions for the above categories of business visitors by their nature tend to disfavour independence of professionals and direct remuneration in the host country, which are two

common elements of touring artists' profession.¹⁵ Commons Library research briefing, [EU-UK Trade and Cooperation Agreement: Temporary business travel](#) has further information on business mobility in the TCA.

Transport of touring equipment, such as musical instruments, props, stage lighting, or merchandise, has to comply with the customs regulations set out in the TCA. Moving such goods may be subject to restrictions on road haulage movements introduced by the agreement.

2.3 An asymmetric effect

As a result of leaving the EU Customs Union and the single market for services, UK touring artists are facing additional administrative requirements and costs.¹⁶

Whereas EU artists must also comply with new administrative requirements in the UK, in practice the touring arrangements have an asymmetric effect, with UK touring artists reported to experience more difficulties.¹⁷ This is not least because of a single set of UK immigration rules versus 27 sets of immigration and work permit regulations in the EU. Complying with road haulage restrictions within the smaller UK market may be easier while UK performers touring the EU may need to hire EU-registered vehicles.¹⁸

On both the UK and EU side, young and less established artists find it more difficult to comply with the new requirements for touring, such as strict qualification requirements or licensed sponsorships by organisations in the host country.¹⁹

2.4 UK artists in the EU

Immigration rules and right to work

UK touring artists and accompanying staff no longer have guaranteed visa and work permit-free travel across the EU to give paid performances. Touring artists and accompanying staff must comply with the immigration rules of the individual EU Member States. The EU has granted the UK a unilateral visa

¹⁵ Catherine Barnard, Emilija Leinarte, [Mobility of Persons in the New UK-EU Relationship](#), Cambridge University Legal studies, Paper No. 12/2021, March 2021, p14

¹⁶ [“UK Music Reaction Following Meeting with Culture Secretary”](#), UK Music, 21 January 2021

¹⁷ Dr Jodie Underhill, Naomi McCarthy, Deborah Annett, [Paying the Price. The sixth ISM Brexit report](#) (PDF), The Independent Society of Musicians, August 2023

¹⁸ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting \[Video\]](#), 8 September 2022, from 15:45 min

¹⁹ Catherine Barnard, Emilija Leinarte, [Mobility of Persons in the New UK-EU Relationship](#), Cambridge University Legal studies, Paper No. 12/2021, March 2021, p15; HL European Affairs Committee, [Corrected oral evidence: The future UK-EU relationship](#), 13 December 2022, Q153

exemption, permitting UK citizens to stay in the EU visa-free for 90 days within a 180-day period, but this does not include an automatic right to paid work. Work permits may be required as there is a difference between immigration rules as such and rules for paid work.

Currently, out of the 27 EU Member States, 24 offer some visa and work permit-free routes for touring artists and support staff. However, the permitted duration of stay and activities vary from a single performance or event to a stay of 90 days. Outside these arrangements a Member State may require a pre-approved visa and/or work permit.²⁰ See section 4.1 below.

Road haulage

Touring artists may require transport to move equipment, instruments or merchandise. Under the TCA, UK road hauliers are now allowed to undertake up to two additional movements (cabotage) within the EU, with a maximum of one cabotage movement within a seven-day period. Cabotage refers to loading and unloading goods within one country, with a vehicle registered in another country.²¹

Generally, these [restrictions do not apply to touring vehicles](#), known as ‘splitter vans’, that transport both passengers and goods. However, the restrictions apply to ‘splitter vans’ transporting only goods.

In July 2022 the UK Government introduced a dual registration measure for specialist events hauliers establishing an operating base in the EU. This enables specialist hauliers transporting instruments and other goods for tours to travel between the UK and the EU without restrictions on the number of trips. They are able to use their GB operator’s licence in Great Britain and EU licence in EU Member States. For further information see section 4.2 below.

Moving goods

Additional paperwork may be required to move professional equipment and instruments, or merchandise goods. EU customs procedures, such as for a temporary admission of goods, apply. However, customs duties are not levied.

An [ATA Carnet](#) (a customs document) may be required, if professional equipment such as musical instruments, stage lighting, or theatrical effects are transported unaccompanied, that is, not in personal baggage or vehicle. A carnet serves as a proof of temporary admission and goods leaving the EU market at the end of the tour. There are costs related to ATA carnets.

²⁰ Incorporated Society of Musicians (ISM), [Visas and Work Permits in Europe. A digital guide for musicians](#), accessed 8 November 2023

²¹ UK Government Guidance, [International road haulage: jobs inside an EU country or between EU countries](#), 2 February 2022

Some musical instruments contain protected materials such as ivory, for example in tips of bows and pegs of many violins and cellos. Such instruments may require a CITES certificate.²² Instruments covered by CITES must be imported and exported through dedicated border control posts.

Concerns have been raised about the decision by the Department for Environment Food and Rural Affairs (DEFRA) not to designate the Eurostar terminal at St Pancras station in London as a CITES Point of Entry meaning certain instruments cannot exit or enter the UK through this station. The Government has said St Pancras lacks space and infrastructure for a CITES designation.²³

An [Economic Operators Registration and Identification number \(EORI\) number](#) is required to export merchandise. Goods worth more than £1000 require a UK export declaration. Commercial goods to be sold in the EU are subject to the EU customs procedures.

More information

[Working, performing and touring in Europe - guidance for musical artists and accompanying staff](#), UK Government Guidance

[Working, performing and touring in Europe - guidance for the performing arts, theatre, opera, dance, circus and other live performance genre](#), UK Government Guidance

[Flowchart. Guide to working in Europe](#), the Musicians Union

[Visas and Work Permits in Europe. A digital guide for musicians](#), the Incorporated Society of Musicians

2.5

EU artists in the UK

Immigration rules and right to work

The UK's Immigration Rules provide for musicians wanting to travel and tour in the UK.

As 'non-visa nationals', EU nationals do not need to apply for a visa before travelling to the UK as a visitor.²⁴ Under the UK's permitted activities rules [for visitors](#), EU musicians can give performances, take part in competitions, auditions and promotional activities in the UK without a visa for six months,

²² CITES permits allow import and export of species (and goods containing such specimen) protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

²³ [Letter from the Chair of the European Affairs Committee](#) to the Minister of State for Media, Data and Digital Infrastructure, 21 December 2022; [Letter of the Secretary of State Julia Lopez MP to Lord Kinnoull Chair of the Lords European Affairs Committee](#), 13 January 2023

²⁴ In this context, 'EU' includes EEA and Swiss nationals, but does not refer to Irish nationals (who have immigration and residence rights deriving from the Common Travel Area arrangements)

as long as they are only claiming expenses or prize money.²⁵ If they are getting paid, this time is reduced to one month (as per the [Permitted Paid Engagement](#) rules).²⁶

There are some work visa categories relevant to people wanting to come to the UK for longer-term work in the arts and culture/creative sectors: the [Global Talent](#), [Creative Worker visa \(Temporary work\)](#) and [Skilled Worker](#) visas.

These all require the applicant to be endorsed or sponsored by a Home Office-approved body/employer. The Creative Worker visas also require the applicant to have a job offer from a Home Office licensed sponsor. There is a [Creative Worker visa concession](#) for non-visa nationals coming to do qualifying work in the UK for three months or less. They do not need to apply for a visa in advance of travel.

Road haulage

The UK allows EU transport operators to undertake up to two cabotage transports within 7 days of entry into the UK. The dual registration for events hauliers introduced in July 2022 applies equally to EU-registered vehicles and vehicles registered in the UK.²⁷ See section 4.2 below.

Moving goods

[UK customs rules apply to importing](#) equipment, instruments, and merchandise from the EU. This can include getting an ATA carnet, a CITES certificate or an EORI number.

²⁵ Immigration Rules, [Appendix V: Visitor](#) and [Appendix Visitor: Permitted Activities](#). They can also undertake a paid performance as an artist, entertainer or musician at one of the [permit-free festivals](#).

²⁶ Immigration Rules, [Appendix V: Visitor](#)

²⁷ UK Government Guidance, [International road haulage: jobs inside an EU country or between EU countries](#), 2 February 2022; Department for Culture, Media and Sport, [Working, performing and touring in Europe - guidance for the performing arts, theatre, opera, dance, circus and other live performance genre](#), 16 November 2022

3

Negotiating the TCA arrangements

The UK and EU have said that during the negotiations of the Trade and Cooperation Agreement in 2020 they had both put forward proposals for visa-free travel for touring artists, but no agreement was reached.²⁸

In response to [a PQ](#) in February 2021, Caroline Dinenage, then Minister of State for the Department of Digital, Culture, Media and Sport, explained the Government's perspective:

During the negotiations, the EU tabled a declaration accompanying their proposals on visa-free travel. The declaration identified which paid activities could be allowed as part of visa-free visits. However, these proposals would not have addressed the creative and cultural sectors' concerns. The proposals were non-binding, did not include touring but only 'ad hoc' performances, did not include technical staff, and did not address work permits. The EU's proposals were also part of a package on visa-free travel that was not consistent with the UK's manifesto commitment to take back control of our borders.

During our negotiations with the EU, the UK proposed measures, reflecting the views of the music industry itself, that would have allowed musicians to travel and perform in the UK and the EU more easily, without needing work-permits. This would have delivered an outcome that is closer to the UK's approach to incoming musicians, artists and entertainers from non-visa national countries, such as EU Member States and the US. Regrettably, these proposals were repeatedly rejected by the EU.²⁹

The BBC quoted the EU's Chief negotiator Michel Barnier saying he very much regretted that "the British didn't have more ambition for people's mobility". Barnier added that from March 2020, the EU had made "fairly ambitious proposals in terms of mobility, including for specific categories such as journalists, performers, musicians and others" but the UK had not accepted them.³⁰

Politico has provided a more detailed [account of both sides' negotiating positions](#).³¹

²⁸ "[Brexit touring row: UK proposals not fit for purpose, says EU](#)", The Guardian, 14 January 2021; "[UK refused deal on post-Brexit travel for musicians, says Barnier](#)", Politico, 15 January 2021

²⁹ PQ 146865 [[Musicians: Visas](#)] 1 February 2021

³⁰ "[EU blames UK after outcry over end to visa-free touring for musicians](#)", BBC, 14 January 2021

³¹ "[How performers lost out in 'eye for an eye' Brexit talks](#)", Politico, 18 February 2021

3.1

Dissatisfied UK industry

Soon after the TCA was announced, the lack of agreement for touring artists was criticised by over 100 musicians, including by Sir Elton John. In a letter published in *The Times* on 20 January 2021, the musician [stated](#) the Government had “shamefully” failed the performers of the UK.³² Subsequently Elton John had a “[very positive](#)” discussion with the then Culture Secretary Oliver Dowden, but said the ability to tour without a visa was currently not ‘on the cards’.³³

Other famous musicians and trade bodies have subsequently spoken out against the current arrangements for touring the EU.³⁴

³² [“Ed Sheeran and Elton John attack ‘Brexit deal that fails musicians’”](#), *The Times* [may require subscription], 20 January 2021

³³ [“Sir Elton John lobbies Culture Secretary Oliver Dowden over EU touring”](#), BBC, 3 February 2021

³⁴ [“Leave-voting Bruce Dickinson criticises government over Brexit impact on musicians”](#), NME [New Musical Express], 28 June 2021; [“‘Our ministers are philistines’: Elton John outraged as Brexit hits musicians”](#), *The Guardian*, 27 June 2021; [“UK musicians hit out at announcement about visa-free EU touring”](#), *The Guardian*, 5 August 2021

4

UK Government clarifies rules

In January 2021, responding to calls from the creative industry, the Department for Digital, Culture, Media and Sport (DCMS) established a working group with sector representatives and other key government departments, to [explore various options of supporting touring artists](#) seeking to work in the EU.³⁵

On 20 September 2022 the Government launched the [Creative Industries Export Campaign](#), which brings together information about a range of export support programmes, including the [Music Export Growth Scheme](#) and [International Showcase Fund](#).³⁶

- The Music Export Growth Scheme (MEGS) – grants of £5,000 to £50,000 are available to small and medium sized music companies (SMEs) to support marketing and promotional campaigns overseas usually associated with international tours. Since 2014, MEGS has awarded over £4.5 million in support of around 300 UK music projects. On 14 June 2023, the Secretary of State announced that the Government would triple the funding for the MEGS to £3.2 million over 2023-25.³⁷
- The International Showcase Fund (ISF) - offers grant support of up to £5,500 for the UK's most promising music creators to cover costs of participation in international industry-facing showcase festivals and conferences.

In October 2021, the Department for International Trade (now the Department for Business and Trade) set up an [Export Support Service](#) where UK businesses can ask practical questions about exporting to the EU. This is scheme to support exporters generally and is not specific to the creative industries.

New guidance on GOV.UK provides information for musical artists and accompanying staff on [Working, performing and touring in Europe](#). The Government has developed [sector-specific landing pages](#) for GOV.UK, aimed at other creative sectors such as visual artists and the fashion sector seeking to work in the EU.

³⁵ HL Deb 3 February 2021 [[Music Sector: Working in Europe](#)] vol 809 cc2156; PQ 182004 [[Music: Exports](#)] 26 April 2021

³⁶ PQ 56135 [[Culture: exports](#)] 22 October 2021

³⁷ [HCWS849 \[Creative Industries Update\]](#) 14 June 2023

4.1 Visa and work permits

To address visa and work permit issues and seek more clarity, the UK Government has engaged in talks with individual EU Member States.

Currently, 24 out of 27 Member States offer some visa and work permit-free routes for short-term touring of musicians and creative professionals. These Member States are as follows: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Romania, Slovakia, Slovenia, Spain, Sweden and Greece. The permitted visa- and permit-free stay varies between countries from a single performance (Greece) to 90 days (including France, Germany, Spain).³⁸

Spain agreed to introduce a 90 day visa and work permit-free route in November 2021, after talks with the UK Government and sector representatives. Denmark has removed some restrictions on artists' participation in short-term events.³⁹ In June 2023, Greece [opened a temporary short-term visa free touring scheme](#).⁴⁰

Cyprus, Malta and Portugal do not currently offer visa- and permit-free routes but the Government continues talks with these countries.⁴¹

The Government raised the issue of entry requirements and the clarity of Member States' guidance regarding these requirements at the [second Trade Specialised Committee on Services, Investment and Digital Trade](#) (PDF) under the EU-UK Trade and Cooperation Agreement on 20 October 2022.

The Government says it's engaging with the UK sector organisations to address various touring problems.⁴²

4.2 Dual registration for specialist events hauliers

To address the issue of transporting equipment in the EU, in February 2022 the Government ran [a consultation](#) on the "Proposal allowing specialist events

³⁸ PQ 37558 [[Performing Arts: Overseas Visitors](#)] 25 July 2022; [Visas and Work Permits in Europe. A digital guide for musicians](#), the Incorporated Society of Musicians

³⁹ PQ 54552 [[Arts: EU Countries](#)] 11 October 2022; "[Denmark Exempts Artists, Musicians & Performers Participating in Short-Term Events From Work Permit Requirement](#)", SchengenVisaInfo.com, 27 October 2022

⁴⁰ Embassy of Greece in London, [Exemption of certain categories of intellectuals and artistic creators from the obligation to issue Schengen visa](#), 8 November 2023; [HC Deb \[Musicians Touring in Europe\] 15 June 2023](#) c422

⁴¹ PQ [97405 \[Musicians: Malta\]](#) 5 December 2022

⁴² PQ 199036 [[Music: UK-EU Trade and Cooperation Agreement](#)] 18 September 2023; PQ HL9178 [[EU Countries: Arts](#)] 21 July 2023

haulage companies to transfer their vehicles between a GB operator licence and an operator licence registered in another location.”

Following this, the Government released a new set of guidance on 15 July 2022 on [Dual registration for specialist events hauliers](#). The change in policy enables specialist hauliers, such as those transporting equipment for musical and cultural events, to travel more easily between the UK and the EU. There are no restrictions on the number of trips between the UK and the EU, compared to the three stops permitted under the cabotage rules. Hauliers are also exempt from Vehicle Excise Duty in the UK for six months.

Industry and parliamentary response

Representatives of the industry welcomed the dual registration but cautioned that the policy is beneficial to large hauliers and that difficulties remain for organisations such as orchestras or events, or artists using medium-sized hauliers, which might not be eligible for the dual registration.⁴³

The limitations of the dual registration policy was discussed during a debate in the House of Lords on [Musicians and Creative Professionals: Working in the European Union](#) on 7 July 2022. The Earl of Clancarty said that “Cabotage remains one of the most significant problems. The industry is grateful for the dual registration fix, but it is only a partial fix and does not address operation under an own account.” Baroness Bull added that “dual registration does not provide a solution for ensembles with a single, purpose-built touring vehicle which cannot create the required EU base.” The policy only applies to haulage companies that have a base in the UK and abroad. Smaller companies that could not afford to set up another base in a different country are still limited to three movements in the EU. The Earl of Clancarty also quoted the Association of British Orchestras, saying that “the situation is disastrous for orchestras, many of which run their own purpose-built vehicles”.⁴⁴

⁴³ Incorporated Society of Musicians, [Changes to cabotage restrictions announced](#), 12 May 2022

⁴⁴ [HL Deb 7 July 2022 \[Musicians and Creative Professionals: Working in the European Union\]](#)

5 Calls for a cultural exemption

5.1 Visa waiver agreement and cultural exemption

Various UK industry groups, members of the public and parliamentarians have urged the Government to seek bespoke arrangements for touring in the EU.

On 8 February 2021, the House of Commons Petitions Committee debated an [e-petition](#) signed by over 280,000 members of the public calling upon the UK Government [to negotiate a free cultural work permit](#) for touring artists. Such a permit would have to offer visa free travel throughout the 27 EU Member States for music touring professionals, bands, musicians, artists, TV and sports celebrities that tour the EU to perform shows and events. The petition also asked for an ATA Carnet exception for touring equipment.⁴⁵

Representatives of music and other creative industries have called for a comprehensive solution, such as an EU-wide visa waiver agreement.⁴⁶ In April 2021, [the ISM \(Independent Society of Musicians\) published a briefing](#) in support of an EU-wide visa waiver agreement, including a [draft agreement text](#).⁴⁷

The House of Lords EU Committee [urged the Government to seek a “bilateral and reciprocal agreement”](#) on mobility of touring performers in its report *Beyond Brexit: trade in services*. The Committee also recommended the Government seeks an agreement with the EU to resolve the barriers to the temporary movement of cultural and sporting goods.⁴⁸

⁴⁵ UK Government and Parliament, petition to [seek Europe-wide Visa-free work permit for Touring professionals and Artists](#), 2021; [Petitions Committee Oral evidence: Arrangements for touring professionals and artists in the EU](#), 8 February 2021, HC 1166

⁴⁶ Digital, Culture, Media and Sport Committee, [Formal meeting \(oral evidence session\): EU visa arrangements for creative workers](#), 16 February 2021, HC 1176
“[Brexit: Artists and performers call on Boris Johnson to provide clarity on touring visas](#)”, Sky News, 28 April 2021

⁴⁷ Incorporated Society of Musicians briefing, [A bespoke visa waiver agreement for the creative and cultural sector](#), April 2021

⁴⁸ HL EU Committee, 23rd Report of Session 2019–21, [Beyond Brexit: trade in services](#), 24 March 2021, HL 248, paras 212-214

Creative industry representatives continue calling for changes to the current set of rules, including a ‘cultural exemption’ to the TCA to be negotiated “as soon as possible”, or when the TCA is up for a formal review in 2026.⁴⁹

APPG report ‘Let the Music Move’

On 19 July 2022, UK Music and the All-Party Parliamentary Group on Music published a report – [Let the Music Move](#). Some of its recommendations focus on improving the TCA and touring and urge the Government:

- to agree an exemption for music workers supporting cultural performances in the TCA, and work with individual EU Member States for them to extend the current limits for working musicians to 90 in 180 days in all countries;
- to expand the number of UK border crossing points qualified to control documents like carnets and CITES Music Instrument Certificates;
- to seek exemptions for road haulage for cultural touring;
- to negotiate a general agreement on cultural touring, including less bureaucratic rules and provisions for specialist event hauliers.⁵⁰

The report says the UK Government may have clarified arrangements with individual EU Member States, but the rules remain complex, require costly adjustments and are prone to mistakes. They “hamper the competitiveness of UK music workers vis-à-vis their EU counterparts.”⁵¹

ISM recommendations

An August 2023 report of the Independent Society of Musicians (ISM), [Paying the price](#), contains similar recommendations:

- Negotiate a bespoke Visa Waiver Agreement (VWA) with the EU that allows UK artists and their support staff to work in any part of the EU for up to 90 days in a period of 180 days;
- Negotiate bilateral agreements for work permits with individual EU Member States which do not currently offer cultural exemptions for work of up to 90 days;
- Unilaterally reduce the cost of the ATA Carnet for cultural goods and work towards a cultural exemption for musical instruments and equipment;
- Negotiate a cabotage exemption for the creative industries with the EU;

⁴⁹ “[Post-Brexit rules are hammering our creative industries – but there is a solution](#)”. Ben Kelly, [CapX](#), 30 September 2022

⁵⁰ UK Music and the All-Party Parliamentary Group on Music, [Let the Music Move](#), 19 July 2022

⁵¹ As above

- Make Eurostar St Pancras a CITES designated Point of Entry or Exit, digitise Musical Instrument Certificate applications and keep them free;
- Streamline merchandise paperwork applications and provide clear guidance for musicians;
- Raise the issue of the 90 in 180-day limit with the EU and seek a reciprocal arrangement similar to the UK’s Creative Worker (Temporary Work) visa.⁵²

Lords Committee “disappointed” about little progress

The House of Lords European Affairs Committee April 2023 report, [The future UK-EU relationship](#), includes an appraisal of the TCA mobility provisions. Witnesses were asked about the impact of these provisions on businesses, individuals, the cultural sector in general, and any options for improvement.⁵³

The Committee expressed its disappointment with the limited progress in “addressing the challenges faced by creative professionals wishing to work and tour in the EU”. The Committee recommended the Government strengthens its guidance on business travel between the UK and EU. It further urged the Government to take this up as a priority with the EU and for the matter to be raised with the European Commission in the TCA Partnership Council.

5.2

Government dismisses a visa waiver

The Government has dismissed a bespoke visa waiver. The Minister for Digital and Culture said on 25 March 2021 that a visa waiver would require a renegotiation of the TCA. The Government expected that the EU would be likely to seek “a wider package with a binding non-discrimination clause.” The Minister said a reciprocal visa waiver agreement would have to cover all current and future Member States, which would be incompatible with the Government’s manifesto commitments to retain control of UK borders.⁵⁴

Lord Frost, the UK Chief Negotiator of the TCA and then Minister of State at the Cabinet Office, responsible for the relations with the EU, said in June 2021 that he did not think a visa-waiver agreement consistent with “our requirement to retain discretion over our own immigration arrangements.”⁵⁵

The House of Lords European Affairs Committee raised the issue of the visa-waiver again on [19 October 2021, in its letter](#) to Lord Frost.

⁵² Dr Jodie Underhill, Naomi McCarthy, Deborah Annett, [Paying the Price, The sixth ISM Brexit report](#) (PDF), The Independent Society of Musicians, August 2023

⁵³ [HL European Affairs Committee -4th Report of Session 2022-23](#), HL Paper 184, 29 April 2023, paras 254-263

⁵⁴ PQ 172035 [[Entertainers: EU countries](#)], answered on 25 March 2021

⁵⁵ [HL Deb 24 June 2021 \[UK and EU Relations\]](#), c.389

In March 2022, Lord Frost, who had resigned as Brexit Minister in December 2021, said in his [Churchill Lecture](#) that concerning mobility issues the UK had been “too purist” during the negotiations. He said problems affecting mobility of creative artists, young people and others “can be solved without compromising the general policy”, that free movement does not apply.⁵⁶

In response to the April 2023 report of the Lords European Affairs Committee, [The future UK-EU relationship](#), the Government said it has raised the issues experienced by touring artists at various occasions in the TCA Governance structures, including the Partnership Council. It also continues talking to EU Member States that provide less liberal access conditions than those offered by the UK. The Government noted, “ultimately it is up to these countries to match the UK’s generous rules.”⁵⁷

5.3 UK-EU Parliamentary Partnership Assembly

The [UK-EU Parliamentary Partnership Assembly](#) – a forum established under the TCA where members of UK Parliament and the European Parliament can exchange views on their partnership – has discussed the difficulties facing creative professionals at its biannual meetings.⁵⁸ The PPA has no formal decision-making role under the TCA, but it can make recommendations to the TCA Partnership Council.

PPA members discussed mobility of persons and [considered encouraging the EU and the UK to negotiate \(PDF\)](#) “a comprehensive agreement to allow artists to tour and work in the EU and the UK”, last during its meeting on 3-4 July 2023. However, the PAA has not made a formal recommendation.⁵⁹

The European Commission told the PPA in September 2022 there was no prospect of changing the TCA in the near future.⁶⁰

⁵⁶ Lord Frost of Allenton, [What is seen and what is not seen: the UK, Europe, and beyond](#), Churchill Lecture, 18 March 2022

⁵⁷ [Government response to The House of Lords European Affairs Committee’s Report The future UK-EU relationship, 30th June 2023](#); HC Deb [[Music Industry](#)] 17 April 2023, c456

⁵⁸ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting \[Video\]](#), 8 September 2022; [Second meeting of the UK-EU Parliamentary Partnership Assembly](#), November 7-8, 2022

⁵⁹ UK Parliament, [MPs and Peers visit Brussels for third UK-EU Parliamentary Partnership Assembly](#), 6 July 2023; Parliamentary Partnership Assembly, [Third meeting of the EU-United Kingdom Parliamentary Partnership Assembly Brussels \(PDF\)](#), 3-4 July 2023

⁶⁰ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting \[Video\]](#), Mr Stefan Fuehring, the European Commission, evidence to the PPA, 8 September 2022, from 15:59min

6

UK parliamentary scrutiny

On 8 February 2021, the House of Commons held an [e-petition session](#) on arrangements for UK Musicians in the EU.

The Digital, Culture, Media and Sport (DCMS) Committee held three evidence sessions in February and June 2021, examining [EU visa arrangements for creative workers](#).⁶¹

The House of Lords European Affairs Committee held a non-inquiry session on the [movement of creative professionals](#) on 14 September 2021.

The House of Lords [debated the impact of Government policy and spending on the creative sector](#) on 4 November 2021.

The House of Lords held a debate entitled [Musicians and Creative Professionals: Working in the European Union](#) on 7 July 2022.

The DCMS Committee raised the issue again [scrutinising the work of the Department for Digital, Culture, Media and Sport](#) (PDF) in December 2022.⁶²

Lords European Affairs Committee April 2023 report, [The future UK-EU relationship](#), includes an appraisal of the TCA mobility provisions and makes recommendations regarding touring artists (see section 5.1 above).

⁶¹ [“UK Brexit minister takes swipe at Elton John over artists’ touring woes”](#), Politico, 29 June 2021

⁶² Digital, Culture, Media and Sport Committee, [Oral evidence: The work of the Department for Digital, Culture, Media and Sport](#) (PDF), HC 158, 6 December 2022, Q242 onward

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