

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. The lack of specific provisions in the UK-EU Trade and Cooperation Agreement (TCA) means that UK performers have to comply with regulations in each of the 27 EU Member States, which often differ from each other. For example, a UK musician would need to apply for a work permit in order to perform in Croatia, but this would not be necessary in France if they take part in a cultural event and the stay is shorter than 90 days.

Transport of equipment for tours, 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.

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.

Following a request from the sector, the UK Government has clarified the immigration and work permit rules with individual EU Member States. It has agreed some new easements for touring, for example with Spain. Currently 24 out of 27 EU Member States have some time limited visa- and work permit-free routes for touring.

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 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.

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

The Parliamentary Partnership Assembly

This briefing was prepared for a breakout session at the second meeting of the [UK-EU Parliamentary Partnership Assembly \(PPA\)](#), held in the UK Parliament on 7-8 November 2022. The PPA was [established under the UK-EU Trade and Cooperation Agreement](#) and includes [members of the UK Parliament \(MPs and Peers\)](#) and [Members of the European Parliament](#).

1

UK touring artists and the EU

Arts and entertainment sectors, including the performing arts (theatres, concerts, live music etc.) and creative arts and writers, contributed £8.3 billion in gross value added to the UK economy in 2021 (0.4% of total UK economic output).¹ These sectors supported around 101,000 jobs in 2021 (0.3% of UK jobs) according to Office for National Statistics estimates.²

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.³

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.⁴

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](#)'.⁵ 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.⁶ 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.⁷

2

New economic partnership

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

¹ ONS, [Low-level aggregates](#), 30 September 2022; series KKB3

² ONS, [Business Register and Employment Survey 2021](#) Table 2; figures are for total employment, including employees plus working proprietors.

³ [Music in Numbers 2022](#) report, UK Music, 2022, pp28-29

⁴ [Music in Numbers 2022](#) report, UK Music, 2022, p11

⁵ HL Deb volume 809, [Music Sector: Working in Europe](#), 3 February 2021, c2157

⁶ [ETA & Brexit Briefing](#), ABO, 3 February 2021

⁷ [Music in Numbers 2022](#) report, UK Music, 2022, p29

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 must comply with the 27 different regulatory regimes of each Member State. National immigration regulations, rules on work permits and employment regulations of the respective EU Member State must be observed. The TCA does not contain a visa waiver for touring artists. The UK maintains control over its own immigration rules and access to work.

The TCA 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 in relation to short-term business visits and services provided by self-employed individuals. However, these provisions do not cover entertainment services or touring. For more information see Commons Library briefing, [EU-UK Trade and Cooperation Agreement: Temporary business travel](#).

Transport of equipment for tours, 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.

2.1

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 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 do offer visa and work permit-free routes for touring artists and support staff. However time limits for the duration of stay and permitted activities vary by country. Outside these arrangements a Member State may require a pre-approved visa and/or work permit. 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 7-day period.⁸ 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 (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.

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, which refers to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Instruments covered by CITES must be imported and exported through dedicated border control posts.

⁸ Cabotage is a paid service of transporting goods or passengers between two places in the same country by a transport operator from another country.

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
- [Flowchart. Guide to working in Europe](#), the Musicians Union
- [Guidance of the Incorporated Society of Musicians](#)

2.2

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.⁹ 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, as long as they are only claiming expenses or prize money.¹⁰ If they are getting paid, this time is reduced to one month (as per the [Permitted Paid Engagement](#) rules).¹¹

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.

⁹ 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)

¹⁰ 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](#).

¹¹ Immigration Rules, [Appendix V: Visitor](#)

Road haulage

The UK allows EU transport operators to undertake up to two cabotage transports within 7 days of entry into the UK.¹² The dual registration for events hauliers introduced in July 2022 applies equally to EU-registered vehicles and vehicles registered in the UK. 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.

An asymmetric arrangement

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.¹³

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 facing more difficulties. 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 but UK performers touring the EU may need to hire EU-registered vehicles.¹⁴

3

Negotiations for the TCA

The UK and EU have stated that during the negotiations in 2020 they had both put forward proposals for visa-free travel for touring artists, but no agreement was reached.¹⁵

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

¹² Road Transport Cabotage Further. Flexibilities during 2022 for Foreign Hauliers, Department for Transport, consultation response, June 2022

¹³ [UK Music Reaction Following Meeting with Culture Secretary](#), UK Music, 21 January 2021

¹⁴ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting](#), 8 September 2022

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

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.¹⁶

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.¹⁷

Politico has provided a more detailed [account of both sides' negotiating proposals](#).¹⁸

3.1 Industry response

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.¹⁹ Subsequently Elton John had a "[very positive](#)" discussion with the then Culture Secretary Oliver Dowden, but said that the ability to tour without a visa was currently not 'on the cards'.²⁰

Other famous musicians and trade bodies have subsequently spoken out against the current arrangements for touring the EU.²¹

¹⁶ PQ 146865, Department for Digital, Culture, Media and Sport, [Musicians: Visas](#), 1 February 2021

¹⁷ Paul Glynn, BBC, [EU blames UK after outcry over end to visa-free touring for musicians](#), 14 January 2021

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

¹⁹ David Sanderson, The Times [may require subscription], [Ed Sheeran and Elton John attack 'Brexit deal that fails musicians'](#), 20 January 2021

²⁰ BBC, [Sir Elton John lobbies Culture Secretary Oliver Dowden over EU touring](#), 3 February 2021

²¹ Nick Reilly, NME [New Musical Express], [Leave-voting Bruce Dickinson criticises government over Brexit impact on musicians](#), 28 June 2021; The Guardian, ['Our ministers are philistines': Elton John outraged as Brexit hits musicians](#), 27 June 2021; The Guardian, [UK musicians hit out at announcement about visa-free EU touring](#), 5 August 2021

4 UK Government steps

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 assist businesses and individuals to work ‘confidently’ in the EU.²² The working group has [explored various options to support touring artists](#).

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](#).²³ The Department for International Trade has also set up a new [Export Support Service](#) where UK businesses can get answers to practical questions about exporting to the EU.

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 touring the EU.

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, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Greece. The length of stay varies between countries from 7 to 90 days per year.²⁴

Spain and Greece agreed to introduce a 90 day visa and work permit-free route in November 2021 and June 2022 respectively, after talks with the UK Government and sector representatives. Denmark has removed some restrictions on artists’ participation in short-term events.²⁵

²² HL Deb vol 809, [Music Sector: Working in Europe](#), 3 February 2021, cc2156

²³ PQ 56135 [[Culture: exports](#)], answered on 22 October 2021

²⁴ PQ 37558 [[Performing Arts: Overseas Visitors](#)], answered on 25 July 2022

²⁵ PQ 54552 [[Arts: EU Countries](#)], answered on 11 October 2022; [Denmark Exempts Artists, Musicians & Performers Participating in Short-Term Events From Work Permit Requirement](#), SchengenVisaInfo.com, 27 October 2022

Croatia, Cyprus and Malta do not currently offer visa- and permit-free routes.

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 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.

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”.²⁶

²⁶ [HL Deb 7 July 2022 \[Musicians and Creative Professionals: Working in the European Union\]](#)

5

Calls for an EU-wide visa waiver agreement and a “cultural exemption”

On 8 February 2021, the House of Commons held an [e-petition session](#) on arrangements for UK Musicians in the EU in response to the [petition](#) that called upon the Government to negotiate a free cultural work permit. The permit would give 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.

Representatives of music and other creative industries have asked for a comprehensive solution, such as an EU-wide visa waiver agreement.²⁷ The House of Lords EU Committee [called for a “bilateral and reciprocal agreement”](#) on mobility of touring performers in its report *Beyond Brexit: trade in services*.²⁸

The Government has so far dismissed a bespoke visa waiver. The Minister for Digital and Culture said on 25 March 2021 that a visa waiver requires 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.” A reciprocal visa waiver agreement would have to cover all current and future Member States. That would be incompatible with the Government’s manifesto commitments to retain control of UK borders.²⁹

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](#).³⁰ 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 that he did not think it consistent with “our requirement to retain discretion over our own immigration arrangements.”³¹

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.

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

²⁷ Digital, Culture, Media and Sport Committee, [Formal meeting \(oral evidence session\): EU visa arrangements for creative workers](#), 16 February 2021

Sky News, [Brexit: Artists and performers call on Boris Johnson to provide clarity on touring visas](#), 28 April 2021

²⁸ HL EU Committee, 23rd Report of Session 2019–21, [Beyond Brexit: trade in services](#), HL 248, 24 March 2021, paras 212–214

²⁹ PQ 172035 [[Entertainers: EU countries](#)], answered on 25 March 2021

³⁰ Incorporated Society of Musicians briefing, [A bespoke visa waiver agreement for the creative and cultural sector](#), April 2021

³¹ [HL Deb 24 June 2021 \[UK and EU Relations\]](#), c389

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.³²

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 2026.³³

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.³⁴

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.”³⁵

The **UK-EU Parliamentary Partnership Assembly** discussed the issues facing touring artists during its first meeting in September 2022. Naomi Pohl, the Secretary General of the UK Musicians Union told the delegations that the current rules make EU tours more complex and expensive for UK musicians, with performances in Europe by UK artists falling by almost a half. She noted that the rules were harder to comply with for small businesses and hoped a cultural agreement with the EU could be reached.³⁶

Mr Stefan Fuehring of the European Commission told the PPA there was no prospect of changing the TCA in the near future.³⁷

³² [What is seen and what is not seen: the UK, Europe, and beyond](#), Churchill Lecture, Lord Frost of Allenton, 18 March 2022

³³ [Post-Brexit rules are hammering our creative industries – but there is a solution](#), Ben Kelly, [CapX](#), 30 September 2022

³⁴ [Let the Music Move](#), UK Music and the All-Party Parliamentary Group on Music, 19 July 2022

³⁵ [Let the Music Move](#), UK Music and the All-Party Parliamentary Group on Music, 19 July 2022

³⁶ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting](#), 8 September 2022

³⁷ [First meeting of the EU-UK Parliamentary Partnership Assembly first meeting](#), 8 September 2022

6

Scrutiny by UK parliament

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 Committee held three evidence sessions in February and June 2021, examining [EU visa arrangements for creative workers](#).³⁸

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.

³⁸ [UK Brexit minister takes swipe at Elton John over artists' touring woes](#), Cristina Gallard, Politico, 29 June 2021

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