



August 2020 Update

Safeguarding Touring for EU and UK Musicians Post-Transition

1. UK Music is the umbrella body representing the interests of the commercial music industry in the United Kingdom (see Annex 1 for full list of members). We campaign and lobby for the collective interests of the commercial music industry on behalf of artists, musicians, songwriters and composers, record labels, music publishers, studio producers, managers and music licensing organisations. We strive to promote the UK's extraordinarily successful commercial music sector and support policies that drive economic growth and promote the benefits of music to British society.
2. We ask Government to provide a simple way for European Union musicians to tour in the UK and request reciprocity in the trade negotiations. We understand that the UK already offers visa-free entry including for work purposes to non-visa nationals (including nationals from the US, Australia, Japan and going forward from the EEA). However, the scope of this route for non-visa nationals is too restricted; it also does not provide any certainty because ultimately it is at the discretion of the UK Border official to assess whether the musician is qualified to perform the paid engagement or that the paid engagement relates to their area of expertise, qualification or occupation. At UK level, the details provided by the UK Government in the context of the UK's point-based immigration system require further clarification as to the status of musicians. At European level, we need clarity in the free trade agreement that performers and their equipment are able to tour throughout the European Union without restrictions.

Background.

3. European musicians need to be able to tour without restrictions; this includes the transportation of their equipment. This not only applies to performing musicians but also to songwriters, composers, performers and producers who often travel for work-related purposes (e.g. co-writing opportunities or song writing camps). We specifically highlight the importance of the crew, the trusted people who musicians rely on when touring; they need to be expressly included within simplified touring provisions.

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4. This affects UK musicians touring Europe as well as European Union musicians touring the UK. We suggest that offering a simple solution for musicians/composers intending to perform in the United Kingdom would provide a good negotiating position to ensure a favourable system with the European Union and other countries based on reciprocity. This is mutually beneficial and should not be controversial in negotiations, particularly given the financial importance of the live sector to the UK both as part of the net exporting music industry (£2.7 billion) and the wider economic impact (£4.5 billion music tourism contribution to the UK economy in 2018).
5. The United Kingdom is also a prime destination for the production of music offering globally recognised recording studios, composers and performers; our music producers are used by international musicians. Not only does this ensure there is a continued influx of talent into the United Kingdom, but it also creates employment opportunities within the United Kingdom for UK-based music producers, performers, engineers, music technicians etc.
6. The market for touring musicians and composers is extremely competitive and the UK needs to be easily accessible to continue to attract international talent for continued global investment in the UK.
7. At present, performers can play a concert in Amsterdam one night and then simply travel to Paris the next with no associated costs or red tape as a result of freedom of movement of people. Following the end of the transition period this freedom will end for UK musicians; countries such as France have traditionally required work permits for performances by artists from non-EU countries. A new reciprocal system is needed post-transition to ensure that musicians and their crew can operate across Europe in an economic and unbureaucratic way, preserving vital economic and cultural links.
8. Costly bureaucracy will make touring simply unviable for many artists putting the development of future globally-leading UK talent at risk. This has become even more urgent following the social distancing measures imposed on live events; musicians, composers, and everyone involved in the successful organisation of live music events (including tour managers, promoters, crew, technicians, and venue operators). Most are self-employed or operate as small and medium businesses. The social distancing restrictions will render impossible any economically viable live events at least to the end of 2020 with catastrophic consequences for the live music sector; based on the numbers for live music in our 2019 *Music By Numbers* report, the loss for the sector will be at least £900 million. This will put many live music enterprises and self-employed people out of business; those who survive will be faced with a further setback when the freedom to tour throughout the European Union ends on 31 December 2020 as currently scheduled unless there are appropriate measures in place to support touring musicians/composers. Any new system for musicians and their crew needs to be in place by the end of the transition period. Whilst an extension of the transition period will not address the underlying problem, it will allow more time to develop a practical solution.

We urge the UK Home Office to operate a simplified system for touring musicians/composers; our first preference would be for the Home Office to waive visas or permit requirements for short term business visits improving the situation for non-visa nationals (including musicians from the EEA), however, we understand the broader reasons the Government may not want to adopt this approach. Therefore our other proposal would be to update the current Permitted Paid Engagement approach. This would address requirements without interfering with the new proposed points-based immigration system or the Tier 5 visa system. Such an approach should be universally applicable.

At a UK level, we require clarity that musicians qualify as creative workers who - if they are non-visa nationals as European Union citizens - are allowed to enter the United Kingdom to work. Alternative routes such as qualifying as “skilled workers” are impossible for musicians given the conditions imposed (salary threshold or a professional qualification like a PhD). We need clarification that the limitation to three months without prior entry clearance will not impact on the system of Permitted Paid Engagement currently available to musicians. This needs to be clearly spelt out in specific government guidance for musicians to avoid any ambiguity.

At the level of UK/European Union trade negotiations, we require express reference to musicians within the free trade agreement. Touring musicians/composers need to be expressly mentioned in Annex 11 A and B to ensure that they are covered as individual professionals/short-term business visitors. This also needs to include their equipment to avoid the reintroduction of carnets. In both proposals for free trade agreements the European Commission and UK government referred to individual professionals/short-term business visitors without providing definitions in an Annex at this stage. The Annex also needs to clarify that the permit free access applies for multiple entries of up to 90 days in a 12 month period (as proposed by the European Commission). The UK proposal is limited to 90 days in a six month period (Article 11.11 (3) short term business visitors).

Proposal for changes at UK level

9. There needs to be a one-system approach for multiple visits to the EU (including a single visit i.e. for one concert only).
 - **Waiver:** This can be achieved by developing waivers for visas and permits, as well as equipment or “tools of the trade” to avoid unnecessary bureaucracy such as the re-introduction of carnets for musicians’ instruments and equipment. This could be achieved by adapting the current situation for non-visa nationals (extending the scope to cover multiple entries within a three month period) and by providing clear guidelines for UK Border officials to ensure that musicians and their crew are allowed into the country when they provide general information about their planned activities in the UK. This should also enable the musician to perform at concerts organised spontaneously. It should continue to be free of charge.
 - **New Permitted Paid Engagement based approach:** As an alternative to waiving visas and permits, we propose a new approach which can be developed based on the UK’s Permitted Paid Engagement system. As far as appearances at festivals are concerned, we refer to the Permit Free Festivals system enabling performances at one specific festival without needing a visa; but this is very limited in that it excludes any further activities of the musician other than performing at the specific festival. Changes to the UK’s immigration system provide an opportunity to improve Permitted Paid Engagement and offer the EU a reciprocal, one-stop, pan-European system that does not trigger prohibitive costs and formalities. It should be available online; in particular it should not require long procedures involving visits to embassies. The Permitted Paid Engagement as currently administered does not require visits to the UK embassy. Such a system should apply for single concert as well as wider tours; it should also cover the crew.

An enhanced Permitted Paid Engagement system would provide certainty for European and UK musicians/composers alike without interfering with the respective immigration system. Both UK and EU negotiation position papers acknowledge the importance of provisions dealing with temporary entry and stay for business purposes (including self-employed people; most of the musicians/composers are self-employed). Such a new approach exceeds the scope of the “Schengen” visa system.

In particular, the requirements under the Permitted Paid Engagement scheme should be tweaked. Generally, such a visa should be clearly explained and binding; it should not be left to the discretion of individual immigration officers. Clarity and certainty are paramount for them and for musicians. Our specific comments on the current criteria for eligibility for Permitted Paid Engagement are below. This could offer a cost efficient and straightforward process to enable European Union nationals to tour in the United Kingdom; and could provide the basis for reciprocal arrangements enabling UK nationals to tour in the European Union. The European Parliament has suggested the deep cultural and working relationship between the EU and the UK should be recognised by a short term working visa, this would meet some but not all of the aims set out in this paper.

10. We note the relevant provision in the European Commission draft dated 18th March 2020 covering Cross border Services (Temporary stay for business purposes); musicians and their crew need to be expressly referred to in any trade agreements as qualifying Independent professionals to avoid uncertainty and provide clear guidelines for customs officials

Changes to the current Permitted Paid Engagement system

We suggest the following changes to the conditions for Permitted Paid Engagement (in red):

- **Invited by a UK-based organisation or client.**
The scope of relevant organisations or clients' needs to be clarified and extended, for instance it could include members of trade associations such as the Musicians' Union or the Association of British Orchestras.
- **Specific paid work without having to be sponsored under the points-based visa system.**
The relation to a Tier 5 visa needs to be clarified (particularly in view of the different duration and costs). This system should also apply to (unpaid) showcases.
- **From a country that is not in the European Economic Area (EEA) and Switzerland.**
- **18 or over.**
Following the withdrawal from the European Union this needs to apply to all countries including the EEA.
- **Visiting the UK for no more than one month.**
- **Leave the UK at the end of your visit.**
This should be extended to three months and include multiple visits up to a maximum of three months within a certain period
- **Have enough money without help from public funds to support and house yourself.**
- **Can pay for your return or onward journey.**
Both questions relating to money should be easily evidenced.
- **Not in transit to a country outside the UK, Ireland, Isle of Man and the Channel Islands.**
This requirement needs to be removed to enable a more international tour including the United Kingdom.
- **Pay £95.**
Where applicable the fee of £95 should be waived. At the very least it needs to be adjusted in case of a band consisting of several musicians and an often considerable number of crew.

Annex

UK Music's membership comprises: -

- AIM – The Association of Independent Music – the trade body for the independent music community, representing over 850 small and medium sized independent record labels and associated music businesses.
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 300 independent record labels.
- FAC – The Featured Artists Coalition represents and promotes the interests of featured recording artists in the music industry.
- The Ivors Academy - The Ivors Academy is an independent association representing professional songwriters and composers. As champions of music creators for over 70 years, the organisation works to support, protect and celebrate music creators including its internationally respected Ivors Awards.
- MMF – Music Managers Forum - representing over 800 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including producers, engineers, mixers, re-mixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union - Representing over 32,000 musicians from all genres, both featured and non-featured.
- PPL is the music licensing company which works on behalf of over 100,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK.
- PRS for Music is responsible for the collective licensing of rights in the musical works of 114,000 composers, songwriters and publishers and an international repertoire of 10 million songs.
- UK Live Music Group, representing of the live music sector with a membership consisting of: Agents' Association (AA), Association for Electronic Music (AFEM), Association of Festival Organisers (AFO), Association of Independent Festivals (AIF), Concert Promoters Association (CPA), International Live Music Conference (ILMC), National Arenas Association (NAA), Production Services Association (PSA), Music Venue Trust (MVT), with contributions from PRS Foundation, MU, MMF, FAC and BPI.