



Julia Lopez MP
Minister of State for Media, Data and Digital Infrastructure
Department for Digital, Culture, Media & Sport
4th Floor
100 Parliament Street
London SW1A 2BQ

18 May 2022

Dear Minister,

Movement of Creative Professionals between the UK and the EU

Thank you for your letter of 3 February 2022, which was considered by the Committee at its meeting on 17 May 2022.

Hauliers for the Creative Sector

The Committee remains concerned about the lack of action regarding specialist hauliers. Ministers have repeatedly assured this Committee that the Department for Transport will be launching a consultation on unilateral measures for hauliers. This is becoming increasingly critical as the sector opens up following the relaxation of COVID-19 restrictions and artists and supporting professionals look to resume touring. The UK is home to the overwhelming majority of specialist musical hauliers and, without urgent action, this leading UK export faces a very real threat to its existence.

Moreover, while the Committee recognises the support that DfT officials have sought to provide to the sector, measure such as dual registration would only assist the largest providers with the deepest pockets. Orchestras, who rely on their own, custom-designed vehicles, would be unable to take advantage of dual registration and would thus be unable to conduct European tours as the number of stops would violate cabotage and cross-trade restrictions. The only realistic solution would be a Europe-wide exemption from cabotage rules for vehicles engaged in cultural activities.

Visas, Work Permits and Touring

The Committee continues to urge a change of approach with regard to the visa and work permit arrangements for creative professionals travelling in both directions. The Committee is encouraged to learn that those travelling to the EU are reporting improved entry procedures at Member State ports and airports but is disappointed to learn that there appears to have been no concomitant improvement in the standard of training and know-how on the part of the UK Border Force officials, which is causing continued problems for professionals visiting the UK. The Committee recognises that the sector is having to adapt to an entirely new inbound travel regime and urges the Government to abandon the additional bureaucratic burden of requiring ongoing validation of correctly issued Certificates of Sponsorship at the point of entry for creative professionals visiting the UK.

In terms of travel to the EU, the Committee notes that your response might appear to conflate the separate issues of visas and work permits, and seems to suggest that the Government has successfully negotiated arrangements that are, in many cases, simply continuations of existing arrangements for third-country nationals. The Committee remains concerned that many of these arrangements are, in any event, too restrictive for creative professionals to continue to travel and

perform within the EU. Six Member States do not permit any visa-free touring at all, and eight only permit visits of 30 days or fewer. Thus, contrary to your assertions, the majority of Member States do not offer visa-free touring of longer than 30 days. In this regard, the Committee would welcome an update on the Government's progress towards securing visa and work permit-free touring with those six countries, and most particularly with Greece, Portugal, and Croatia, that do not currently allow this.

The Committee noted with interest the remarks of Lord Frost of Allenton in his Churchill Lecture on 15 March this year, recognising that the Government's approach to the movement of creative professionals has been 'too purist' and that this could be solved 'without compromising the general policy...that free movement does not apply'. In light of these remarks, the Committee once again urges the Government to reconsider its approach to visas and work permits and to give serious consideration to agreeing a visa-waiver regime for creative professionals with the EU.

We have heard that it is not the case that such an agreement would fail to meet the sector's needs: indeed, our understanding is that it has been specifically requested by more than 300 representatives from the sector, who signed a joint letter to that effect in April 2021. We have also heard that there is no legal impediment to such a regime and that there is no basis for concluding that it would compromise the principle of ending freedom of movement. Such an agreement would, for example, fall neatly within the provisions of the Trade and Cooperation Agreement governing the negotiation of Supplementing Agreements (Article 2) and, as a consequence, falls within the remit of the Partnership Council (see in particular in this regard, Article 7 paragraphs (3) and (4)). The purpose of these provisions is clear and the Committee therefore disagrees with your implicit rejection of the use of the TCA's institutional framework to resolve these issues: it is a wholly appropriate topic for discussion at the next meeting of the Partnership Council.

In terms of the accuracy of the Government's advice for those intending to travel to EU Member States, the Committee cannot accept that your Department bears no responsibility for the accuracy of the information it provides, or for keeping it up to date. The Government is far better placed than any member of the public to obtain and publish accurate and up-to-date information about the requirements in each of the Member States and, having chosen to provide that information itself, it must take responsibility for its accuracy. The Committee again asks your Department to commit to taking responsibility for providing accurate and up to date information for those preparing to travel to Europe for creative work.

Young Musicians

The Committee remains concerned about the impact on young musicians and is, therefore, disappointed by your assertion that the challenges they face in touring in Europe are the same as those facing more established musicians. We have heard of the great difficulties young musicians have in demonstrating that they are sufficiently established to qualify for the various visa and work permit regimes, that they frequently lack the supporting infrastructure available to more established musicians, and that they thus face disproportionate bureaucratic and financial impediments to travelling to the EU for work.

In the context of these very real issues facing those at the start of their careers, the Committee is also alarmed to learn that your Department is considering introducing a charge for Musical Instrument Certificates under CITES. For an industry already facing significant difficulties on so many fronts, even more so in the context of the current wider cost of living crisis, we urge the Government to refrain from imposing yet more financial and bureaucratic burdens. The Committee requests that you clarify the Government's position on this point and provide a rationale for any proposed imposition of additional costs for travelling creative professionals.

We retain an interest in this subject and look forward to considering your response within the usual 10 working-day deadline.

I am copying this letter to Rt Hon Elizabeth Truss MP, Secretary of State for Foreign, Commonwealth and Development Affairs; Rt Hon James Cleverly MP, Minister for Europe and North America; Rt Hon Grant Shapps MP, Secretary of State for Transport; Sir William Cash MP and Dr George Wilson, respectively Chair and Clerk of the House of Commons European Scrutiny Committee; and Julian Knight MP and Stephen McGuinness, respectively Chair and Clerk of the House of Commons Digital, Culture, Media and Sport Committee, Laurie Scott, Scrutiny Coordinator, Department for Digital, Culture, Media & Sport.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Kinnoull', with a horizontal line underneath.

Lord Kinnoull

Chair of the European Affairs Committee