



HOUSE OF LORDS

European Union Committee

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Rt Hon. Oliver Dowden CBE MP
Secretary of State for Digital, Culture, Media and Sport
Department for Digital, Culture, Media and Sport
100 Parliament Street
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25 September 2020

Dear Oliver,

Many thanks for your letter of 2 September, in response to my letter of 3 August. The EU Services Sub-Committee discussed your letter at its meeting on 17 September, and Members expressed some disappointment at the lack of detail in your answers to our questions.

We understand that negotiations with the EU are ongoing, but time is now running out. The creative industries are important contributors to the UK's economy and culture, and will also be pivotal to maintaining the UK's 'soft power' after the end of the transition period. Continuing uncertainty could undermine confidence across the sector, and we therefore urge you to engage closely with the sector, and to seek as far as possible to ensure that its priorities are reflected in any UK-EU agreement. We also look forward to receiving more detailed answers to our earlier questions, as soon as that information is available to be shared publicly.

In the meantime, we would be grateful for further detail on some specific issues. In your letter, you note that "The UK's European Works status will continue to apply to audio-visual works originating in the UK after we leave the EU, as we will continue to be party to the European Convention on Transfrontier Television (ECTT)." We understand this, but witnesses who gave evidence to our 2017 inquiry into trade in non-financial services identified a number of limitations to the Convention, including in its geographical scope (some Member States are not signatories) and its coverage (it does not cover on-demand services). We are also aware of concerns in the sector that the EU could in future change the terms under which European Works are recognised. We therefore seek your comments on our previous question: does the Government see any risks to continued recognition of UK content as 'European works' after the transition period? If so, how are you seeking to mitigate these risks?

On mobility, we note that the Government is not pursuing a 'touring visa', and also that "EU citizens who wish to come to the UK to work will need permission" from 1 January 2021. This will disappoint many in the creative industries sector, and we again underline the critical importance of to the movement of people, including performers, to the continuing success of the sector.

Finally, we would be grateful for further information on the Government's decision to revoke the EU Portability Regulation after the end of the transition period. Government guidance states that service providers offering cross-border portability to their customers from 2021 onwards will be able to do so, but "will need the permission of the owners of the content

they provide”.¹ Negotiating such permission for all rights-holders, across all EU territories, could be an insuperable burden for service providers. What steps is the Government taking, in discussions with the EU, to ease such burdens post-transition?

We look forward to receiving your reply within 10 working days.

A handwritten signature in black ink that reads "Rita Donaghy". The signature is written in a cursive, slightly slanted style.

Baroness Donaghy
Chair of the EU Services Sub-Committee

¹ <https://www.gov.uk/guidance/cross-border-portability-of-online-content-services-after-the-transition-period>