



Rt Hon Lord Frost CMG
Minister of State
Cabinet Office 70 Whitehall London
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The Earl of Kinnoull
Chair, European Affairs Committee
House of Lords
London
SW1A 0PW

Dear Charles,

UK proposals on touring performers during negotiations on the UK-EU Trade and Cooperation Agreement

1. Thank you for your letter of 19 October 2021 regarding the Government's approach to touring performers during negotiations on the UK-EU Trade and Cooperation Agreement (TCA). I have of course set out significant detail on this issue in my letter to you of 9 June but I will try to answer your questions as fully as I can, recognising that the lead Department on these issues is DCMS.
2. I am copying this letter to the Secretary of State for Culture, Media, and Sport, and to the Chair of the European Scrutiny Committee in the Commons.

HM Government engagement and coordination

Question 1. Will you commit to coordinating Government announcements and guidance on these matters to ensure accuracy and transparency?

Question 2. Will you commit to taking an active role in coordinating policy across all relevant departments to ensure that everything possible is done to take the steps necessary to support our creative industries?

Question 3. What steps will you take to support and promote ministerial engagement with the sector across all relevant Government departments?

3. As set out in the evidence I gave to the House of Commons Digital, Culture, Media and Sport Committee in July, it is the Government's agreed position that Secretaries of State are responsible for their own Department's business relevant to the TCA. This is the only sustainable division of responsibilities between the Cabinet Office

and other Departments given the unusual breadth and depth of the TCA - which covers not just issues related to trade, but also topics like fisheries and social security coordination. Accordingly, the Department for Digital, Culture, Media and Sport (DCMS) is the lead Department responsible for touring creative professionals and is indeed organising the coordination activity to which you refer.

4. For example, DCMS have established a Touring Working Group for the creative and cultural industries and relevant Whitehall Departments. This group has formally met six times so far, with the next meeting scheduled for November. There has also been a range of sub-group meetings on particular issues: for example, DCMS recently brought together industry stakeholders, including LIVE and the Incorporated Society of Musicians (ISM), with relevant Departments for detailed discussions on customs and inward mobility arrangements respectively. In addition, DCMS ministers have met with creative and cultural sector representatives frequently this year, such as DCMS Secretary of State's engagement with UK Music on 25 October.
5. Ministers across Whitehall are aware of the issue and take opportunities to raise it during other contacts with relevant EU Member States. I of course do the same and I most recently raised the issue with the Portuguese Secretary of State for European Affairs on 12 October.

Visas and work permits

Question 4. How would an EU-wide visa waiver scheme for touring creative professionals undermine the UK's ability to take back control of its borders?

6. I refer you to paragraphs 4-6 of my letter of 9 June. It is important to note that the EU did not table such a proposal during the TCA's negotiation and has not done so since. The EU's original proposal was for a visa-waiver for all visits of up to 90 days in 180 for citizens of the UK and citizens of all current and any future EU Member States.
7. It is not our policy to agree visa waivers because such agreements remove the Government's ability to choose who can and cannot enter the UK without a visa. The EU's proposal was not consistent with our manifesto commitment to take back control of our border, and no G7 economy has agreed to lock in their visa systems with the EU in such a way. Officials from my Department, the Home Office, BEIS and DCMS have met with the sector, and directly with the ISM, on several occasions to discuss these issues and explain the UK's position in detail.

Question 5. What precisely was the Mode 4 proposal the Government envisaged would apply to the movement of creative professionals?

8. I refer you to paragraphs 9-11 of my letter to you in June. It is also worth noting that our recent trade deal with three EFTA countries (Norway, Iceland and Liechtenstein), which is based on the same offer that the EU rejected, demonstrates that our proposals were workable, even in a single market context.

Question 6. What steps is the Government taking to engage in bilateral discussions with the 8 EU Member States identified by DCMS as not permitting visa-free touring, in

particular with Spain? What are the timelines for these discussions, and will the Government share these timelines with industry stakeholders?

9. 20 EU Member States¹ have now confirmed they offer visa-free and work permit-free routes for performers and other creative professionals. This includes most of the biggest touring markets, including France, Germany, and the Netherlands. The precise requirements vary across Member States, and UK nationals should check what requirements they need to fulfil with the Member State before travelling. To support this, we have published general business traveller summaries for all Member States on gov.uk,² and we are engaging with Member States to encourage clear and accessible guidance. We are also continuing to work with sector organisations, including the ISM, to help clarify areas of uncertainty in their own guidance.
10. We are now working closely with the remaining 7 EU Member States that do not allow visa and permit free touring to encourage them to match the UK's generous rules. Formal approaches have been made, discussions are ongoing at ministerial and official level, and we are working with the sector to amplify each other's lobbying efforts.
11. For example, we recognise Spain is of particular importance, and we have held a number of discussions with the Spanish Government to encourage easements to their rules, including most recently between the Foreign, Commonwealth and Development Office Minister Wendy Morton and her counterparts in Spain on 30 September, and between the British Ambassador to Spain and the Spanish Minister for Inclusion, Social Security and Migration on 14 October.
12. We continue to actively engage with Spain and other target countries at official and ministerial level. However, ultimately it is up to these countries to match the UK's generous rules. We will continue to keep the sector sighted on discussions across the target countries through the DCMS-led Working Group, which has been an important vehicle for sharing updates on progress.

Customs and transport

Question 7. What steps is the Government taking to clarify whether a carnet is required to take musical instruments into the EU?

13. As you set out in your letter, touring requires adaptation to a range of new requirements, not just regarding mobility. To support this, we have published specific 'landing pages' on GOV.UK³ to help the sector navigate the guidance available online across a range of issues, including customs requirements. This guidance sets out that if a musical instrument is taken by an individual in their personal baggage or vehicle, they can use a temporary admission procedure in the country of destination to pay no duty on them, by going through the green or 'nothing to declare' channel or by making an oral declaration to a Border Official. An ATA Carnet is not required in these circumstances.

¹ <https://www.gov.uk/government/news/visa-free-short-term-touring-allowed-in-20-member-states>

² www.gov.uk/government/collections/travelling-to-the-eu-switzerland-norway-iceland-or-liechtenstein-for-work

³ www.gov.uk/government/collections/touring-europe-checklists-for-the-arts-cultural-creative-and-heritage-sectors

14. It is also important to note that, in those circumstances where it is needed, a carnet is valid for up to 12 months from the date of issue and can be used multiple times, and in multiple countries during the period of validity. DCMS continues to coordinate extensive engagement with the sector to help them understand the rules, including through arranging discussions between the sector and relevant Departments, and by supporting sector bodies such as the Musicians' Union to produce additional tailored guidance on these issues.

Question 8. In your letter of 9 June 2021, you stated that the Department of Transport was "examining the feasibility" of mitigation measures such as a unilateral easement of cabotage rules. Could you provide an update on this process?

Question 9. What progress has the Government made in putting in place arrangements to allow the dual registration of lorries in the UK and the EU?

15. The Department for Transport has been working closely with the industry on unilateral measures. The Department ran a call for evidence in the summer to gather views on various options to support the industry, and we will update the sector on our approach later this year.

Question 10. What, if any, engagements have you had with the European Commission's Directorate General for Mobility and Transport in connection with these matters?

16. During the course of this year, officials from the Department for Transport have raised with DG MOVE cabotage for hauliers carrying equipment in the EU for cultural events. As I set out in paragraphs 12-13 of my letter to you in June this year, specific cabotage arrangements for this sector were discussed in detail as part of negotiations, but the EU was unwilling to agree to more flexible arrangements. The EU is aware of the work that the Department for Transport is undertaking unilaterally to support the touring sector.

17. Following discussions with the EU, the Department for Transport has also confirmed that the road transport market access rules under the TCA do not apply to splitter vans - vehicles designed to carry both goods and passengers. This means that their use by UK operators will continue to be governed by Member State law, as it was when the UK was a member of the EU. This is an important clarification, and was strongly welcomed by the sector.

Question 11. Will the Government commit to assessing the feasibility of granting CITES designation to Eurostar to assist the movement of musicians' instruments?

18. DEFRA is keeping the list of CITES designated Points of Entry/Exit (PoEs) under review and will look to designate further PoEs where feasible, so as to provide additional routes for stakeholders. The Government is aware of the issue regarding the movements of antique musical instruments from the UK to the EU and Defra is working with Border Force to look at the possible CITES designation of Eurostar St. Pancras. Defra holds regular stakeholder meetings, including with a number of creative organisations, to discuss the issue in more detail.

Inbound EU artists

Question 12. What steps is the Government taking to clarify the visa regime for incoming performers from the EU?

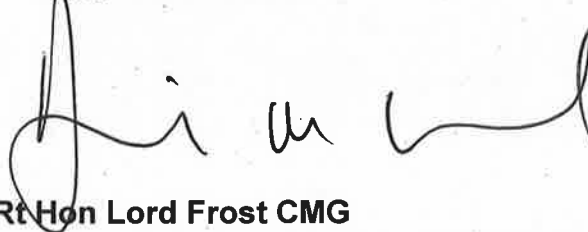
Question 13. What steps will the Government take to ensure that the Home Office website is navigable for EU nationals applying for a visa to perform in the UK or seeking information to assist them with this?

19. We have published new guidance that clarifies what EU artists can and cannot do in the UK without a visa, and help ensure they obtain a relevant visa, if needed, before travelling to the UK. We have also developed a tool where third country nationals, including those from the EU, can check if they need a visa.⁴ In addition, we set out on GOV.UK what the expected processing times are for each visa type, as well as associated fees. We will also publish an explainer document on GOV.UK, specifically for creative professionals looking to perform in the UK, to help them navigate relevant guidance.

Question 14. How will the Government ensure that Border Force officials are trained to apply the regime for incoming creative professionals fairly and consistently?

20. Border Force Officers undertake training on an ongoing basis to ensure the Immigration Rules are upheld and applied fairly and consistently. Individuals entering the UK are responsible for accurately declaring the reasons for entry and ultimately each visitor will be assessed on the individual merits of their case.

With best wishes,



Rt Hon Lord Frost CMG

⁴ <https://www.gov.uk/check-uk-visa>

