



HOUSE OF LORDS

European Affairs Committee

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Rt Hon. Elizabeth Truss MP
Secretary of State for Foreign,
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22 Whitehall
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Dear Elizabeth,

I am writing to you about the position post-Brexit of our creative professionals touring in the European Union. This vibrant and growing sector of our economy risks suffering lasting damage if ways cannot be found of remedying some of the unintended consequences of our leaving the European Union. The Committee does very much hope that you will be ready to take action on this matter.

This letter is primarily in response to Lord Frost's letter dated 26 November 2021, which was considered at the meeting of the European Affairs Committee on 14 December 2021. It is the latest in a chain of correspondence on the subject of the movement of professionals in the creative industries between the UK and the EU. This commenced with a letter from Lord Frost on 9 June 2021, to which I responded on 19 October 2021, setting out the evidence the Committee had heard from senior stakeholders in the creative industries. I enclose the full correspondence on this matter for your reference.

Regarding Lord Frost's most recent letter, the Committee notes his request for further correspondence on this matter to be directed to the Secretary of State for Digital, Culture, Media and Sport. However, the Committee's concerns continue to be cross-cutting, covering more than one department, and also engage issues falling directly under the TCA. The Committee has therefore asked me to correspond with you directly. In so doing, the Committee anticipates that you will exercise your coordinating function with regard to matters concerning the UK's relationship with the EU and matters falling under the TCA to marshal a comprehensive response to this letter, as Lord Frost had done prior to his most recent letter.

Clarification: Carnets for the Transport of Musical Instruments

By way of clarification and correction, in my letter to Lord Frost of 18 November 2021 I referred to the costs of obtaining a carnet from the London Chamber of Commerce and Industry as being in the region of £400-£500. Since then, the LCCI has informed the Committee that it operates a discounted rate for members of the Featured Artists Coalition, the Incorporated Society of Musicians and the Musicians' Union. This reduces the cost for an instrument worth up to £10,000 to £243.84 (+VAT) for a 12-month carnet. I am happy to set out this clarification for the record.

Specialist musical haulage and cabotage rules

The Committee welcomes Lord Frost's recognition of the particular concerns regarding the impact of the TCA on the specialist haulage sector. We ask that you undertake to provide the Committee with updates of progress in this area and, in particular, to write to the Committee setting out the

unilateral actions proposed by the Secretary of State for Transport, the rationale for these, and their anticipated effect in terms of supporting the specialist haulage sector.

Mode 4 proposals and Visa-Waivers

We thank Lord Frost for directing us to the specific wording (in the Free Trade Agreement with Norway, Iceland and Liechtenstein) regarding the UK's proposals to the EU on short-term business visitors. However, we note that, although these provisions set out the activity permitted for a short-term business visitor, they do not set out the actual entry-exit and length of stay provisions that are so critical for travelling creative professionals. We ask you to set out the specific proposals put to the EU during the negotiations in this regard.

The Committee is aware that one of the witnesses who gave evidence to us on 14 September 2021, Deborah Annetts, Chief Executive of the Incorporated Society of Musicians (ISM), has written to you separately on this topic. The Committee notes that the consistent advice of counsel has been that there is no legal impediment to the establishment of a sector-specific visa waiver programme and that this could be done in such a way as to ensure that the UK retains full control over its borders. This position appears to have been confirmed to Deborah Annetts and her counsel by officials from a number of departments, who explained that the impediments to such a system were political, rather than legal. The Committee urges the Government to reconsider its approach to a visa-waiver regime and to recognise that the decision to implement such a system is, in itself, an exercise of sovereignty and, as such, fully in line with the Government's aim of taking back control of the UK's borders.

Visa and work permit-free arrangements

The Committee remains concerned about the Government's approach to the information it provides regarding the visa and work permit-free arrangements for each Member State. We reiterate our concerns about the quality and accuracy of this information and the risks inherent in providing inaccurate information in this regard. We ask that, in concert with the Secretary of State for Digital, Culture, Media and Sport, you undertake to conduct an urgent comprehensive review and analysis of the visa and work-permit regimes applicable to creative professionals visiting EU Member States and use this to provide full and accurate information.

On the substantive point, the Committee is aware that several of the cited work permit and visa-free arrangements fall considerably short of the headline 90 days in 180:

- Austria requires a work permit for all visits of longer than four weeks, and for all independent visits, regardless of length;
- Flanders (Belgium) only allows work permit-free visits by artists of international renown, and only for visits of a maximum of 21 days;
- The Czech Republic allows visits of up to 7 days at a time, for a total of 30 days in any calendar year, without a visa. Longer visits, up to a maximum of 90 days, require a Schengen visa;
- Latvia only allows visits of up to 14 days without a visa. The maximum stay with a visa is 90 days;
- The Netherlands allows visits of up to 6 continuous weeks within any 13-week period, but requires a work-permit for visits of up to three months, eligibility for which is dependent upon income;
- Poland only allows visits of up to 30 days per calendar year without a work permit;

- Slovakia only allows visits of up to 30 days per calendar year for those participating in an art event.

We note the additional information Deborah Annetts has provided to you in this regard and urge you to mirror this detail and accuracy in the information that you provide to us and to the public at large.

We continue to urge the Government to work with each Member State to negotiate arrangements that enable creative professionals to tour for their work. As we stated in our letter of 18 October 2021, we heard strong evidence that the arrangements in place for certain countries included within the list of Member States permitting visa-free travel were so restrictive as to make touring impossible.

Young musicians

We remain concerned about the disproportionate effect of the end of free movement on young musicians. We heard clear evidence that young classical musicians, in particular, were being forced out of the profession because they were no longer able to travel to a country (or countries) that is a member of the European Union for work at short notice. We ask you to detail how the Government reached its conclusion that the impact on this group is not distinct from the more general issues facing artists.

Finally, as stated in our letter to Lord Frost of 18 November 2021, the Committee urges the Government to make full use of the institutional structures established under the TCA, in addition to bilateral negotiations with Member States, to raise all of these issues with the EU as a whole. We therefore ask you to set out in writing what steps you plan to take to raise these matters through the relevant TCA Specialised Committees to lay the groundwork for a substantive discussion, and hopefully some real progress, at the next meeting of the Partnership Council, to which Lord Frost referred when replying to a parliamentary question on 16 December.

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 Chris Heaton-Harris MP, Minister for Europe, Rt Hon Nadine Dorries MP, Secretary of State for Digital, Culture, Media and Sport; 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.

Yours sincerely,



Lord Kinnoull
Chair of the European Union Committee