

## Supplementary evidence submitted by the ABTA – The Travel Association (FRE0105)

### About ABTA

ABTA is the largest travel association in the UK, with around 1,100 Members operating from more than 4,000 locations across the country. Our Members range from small, specialist tour operators and independent travel agencies specialising in business and leisure travel, through to publicly listed companies and household names, from call centres to internet booking services to high street shops. Combined, ABTA's Members have an aggregate annual turnover of more than £40bn.

ABTA made an initial submission to the Committee on the Future Relationship with the European Union inquiry in relation to the progress of the UK's negotiations with the EU, which focused on the travel industry's key asks of the UK Government in the negotiations. This supplementary submission examines in greater detail the industry's reliance on existing mobility arrangements, and the importance of ensuring the future UK-EU relationship preserves the ability to provide travel and tourism services with minimal barriers.

- 1. Given the two draft legal texts, what does the EU legal text cover and what does the UK legal text cover when it talks about mobility and short-term visits without the need for a visa?**

#### Short-term visits for touristic purposes or business travel

More than 66 million UK residents visit the EU Member States every year, which accounts for around 72% of all international travel from the UK. Of these trips, there are 44.6 million holidays, 6.2 million business trips and 14.8 million visits for the purpose of visiting friends or relatives. The flow of visitors from the UK to the EU Member States is a vital component of the UK's vibrant outbound travel industry, which is worth more than £37.1 billion a year to the UK economy, accounting for around 1.8% of GDP, and supporting a total of 526,000 FTE jobs across the UK.<sup>1</sup> As a result, the maintenance of visa-free travel post-Brexit and within any future relationship has been a priority area for ABTA.

The negotiating texts of both Parties outline a clear intention to minimise barriers for short-term touristic visits or business travel. The EU's text (Article MOBI.4) outlines the intention to add the UK to their list of visa-exempt countries enabling visa-free stays of up to 90 days within any 180 day period, based on the principle of non-discrimination and reciprocity (Article MOBI.3), and similarly the UK Government's Policy Statement on the new Points-Based Immigration System, which was published in February 2020, resolves to treat EU citizens as non-visa nationals meaning they can come to the UK as visitors for six months

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<sup>1</sup> Driving Growth: the economic value of outbound travel (2019), ABTA <https://www.abta.com/industry-zone/reports-and-publications/driving-growth-the-economic-value-of-outbound-travel-2019>

without the need to obtain a visa. The UK's negotiating text also envisages provisions for short-term business visitors (Article 11.11), which would allow a maximum length of stay for 90 days in any six-month period.

Given the recognition from both Parties of the economic importance of, and mutual benefits derived from, short-term leisure visits and business travel between the UK and EU, ABTA does not have concerns at this point relating to the ability of tourists or business travellers to move relatively freely between the UK and EU at the end of the transition period. However, this confidence does not extend to the future mobility of travel and tourism workers. The important distinction between short-term business travel, for example attendance at meetings, and other work is captured within the EU text, which notes that Member States may individually decide to impose a visa requirement on citizens of the United Kingdom carrying out a paid activity during their short-term visit in accordance with Article 6(3) of Regulation (EU) 2018/1806.

### Mobility

The UK's outbound tourism industry relies on the ability to move staff freely between the UK and EU to support the delivery of tourism services, with many vital support staff utilising the EU's Posted Workers Directive (PWD) or Freedom of Movement (FOM) rights to undertake their roles at present. It is estimated that there are around 15,000 UK workers each year that are posted into the EU under the PWD, with around a further 3-5,000 working locally across the EU using their FOM rights as EU citizens. The vast majority of these workers are UK nationals, employed by UK tour operators under UK PAYE social security arrangements, and servicing the needs of UK clients in EU resorts, with the type of employment undertaken including travel representatives, performers, chalet hosts, creche workers and other support roles. These support roles are vitally important to the tourism industry and provide notable benefits to the employees concerned, often representing first steps on career ladders, as well as the chance to learn foreign languages and develop other valuable transferable skills, such as problem-solving abilities and customer service. However, they are generally regarded by national immigration regimes as low-skilled roles and are relatively low paid positions. As such, these roles would be unlikely to be covered by any future mobility arrangements that are restricted to higher educational qualifications or salary thresholds. While a high degree of uncertainty remains, a significant proportion of these roles appear to be under immediate threat as the UK exits the transition period.

The EU's draft text – specifically, Article MOBI.3 – does not exclude the possibility of a mobility arrangement. However, if any arrangement were to be agreed, it would have to be based on the principles of non-discrimination between the Member States of the Union, the equal treatment of all Union citizens and full reciprocity between the Parties. These provisions are without prejudice to the specific arrangements between the United Kingdom and Ireland in respect of the Common Travel Area arrangements as they apply between the United Kingdom and Ireland.

It is ABTA's understanding that the UK is not seeking a specific replacement to the existing Posted Workers Directive ([Directive 96/71/EC](#)), but is instead focusing on reaching an

agreement under GATS Mode IV provisions, which would permit mobility between the UK and EU for certain permissible professions within a restricted time period (maximum length of stay of 90 days). While this approach might replicate some of the benefits previously available to UK workers, it is unlikely to provide comprehensive coverage for the roles currently undertaken and the restrictions on maximum length of stay (up to 90 days) will prove disruptive, as these simply do not align with current working practices, where staff are typically in destination for around six months. When seeking clarity and reassurance around the limitations of the GATS Mode IV approach, ABTA has been advised that it would be up to each Member State to adopt rules that are more permissive for UK nationals within their individual domestic immigration regimes. Given the importance of reciprocity, and the position taken within the UK's own immigration regime, which will severely restrict entrance of EU nationals with similar qualifications to many of the roles undertaken within the travel and tourism industry, this is a matter of serious concern to ABTA. See answer to question number 5 for more details on GATS rules and implications for tourism services.

Looking at social security arrangements, the Withdrawal Agreement contains specific measures retaining existing rights for UK or EU citizens already residing in the other Party. However, future arrangements will be subject to the outcome of the negotiations on future relationship.

The UK's draft Social Security Coordination Agreement, which outlines broad aims for future coordination of social security regimes, contains a specific provision for 'detached workers' (Article 7). Under the UK's proposal, a person who is employed in either Party (the UK or an EU Member State) by an employer with a place of business there and who is sent by that employer to the other Party to perform work on that employer's behalf shall continue to be subject to the legislation of the first Party, provided that the anticipated duration of such work does not exceed 24 months. There is no definition offered on a 'detached worker', and ABTA is seeking clarity from the UK Government at present around this part of the UK's negotiating text, but it would seem that this might enable UK workers performing professional activities within the EU under the GATS Mode IV provisions to continue their UK social security arrangements. The EU's negotiating Directives also envisage that the future relationship should "address social security coordination" (Section 9, Mobility). However, the EU's preparedness communication, issued on 9 July, makes clear that future arrangements will not be as extensive as existing rights, while noting the precise scope concerning matters such as healthcare costs or pension rights is a matter for negotiations.

### Youth mobility

Article MOBI.5 in the EU draft text references: 'Provisions on mobility of students, researchers, trainees, and certain categories of youth exchange'. The chapter states that the Parties shall provide for reciprocal conditions of entry to and residence in the territory of the other Party, for a period exceeding 90 days, and the rights of citizens of the Union and citizens of the United Kingdom, and where applicable their family members, for the purpose of research, studies, training and youth exchanges as defined in the Parties' domestic legislation.

ABTA is disappointed that the UK Government has not explicitly proposed within its own negotiating text the expansion of the existing Youth Mobility Scheme (Tier 5) to encompass EU nationals, on a reciprocal basis. The Home Office has previously indicated to ABTA, in private correspondence, that it is the UK Government's desire to negotiate a youth mobility arrangement with the EU or with individual countries within it if a collective agreement is not possible. Given the restrictions on general mobility envisaged above, the importance of extending the Youth Mobility Scheme to EU Member States has greatly increased for the UK outbound tourism industry, as well as inbound operators who benefit from the language skills offered by EU nationals. Without the additional flexibility that could be offered by an extended Youth Mobility Scheme, it is difficult to see how many UK outbound and inbound tour operators can avoid serious disruption to their operating models in the coming years.

**2. What are the major differences between the two positions on mobility in the negotiations? How would you explain any differences? Given the two positions, what do they appear to agree on?**

Please see the section above for a more detailed overview of ABTA's understanding of the two Parties' mobility positions.

There appears to be agreement on the following areas:

- Short-term leisure visits and business travel on a reciprocal visa-free basis (where this does not constitute paid activity)
- The principle of continued mobility for workers between the EU and UK, but with limited detail offered from either Party as to the extent of such rules or their application to specific industries
- Social security coordination where a worker ordinarily resides in one Party but is temporarily working in the other Party

**3. What could be the barriers to an agreement on mobility being negotiated this year? To what extent will the rules for British people wishing to work in the EU, be determined by an EU wide agreement or by domestic law in the UK and each Member State?**

Despite a joint statement released by the two Parties, following a political summit on the negotiations in June, which agreed that "new momentum was required", ABTA remains concerned about the current pace of progress in the UK-EU negotiations. The outbreak of COVID-19 has, understandably, had an impact on the quality of engagement with Government since March 2020, with the pandemic stretching the resources of the civil service, as the main focus of Government has, correctly, been on responding to the public health crisis created by the virus. In recent weeks, ABTA has received limited updates from DfT regarding the ongoing negotiations, but there has been very little else by way of formal proactive updates on the EU trade talks from across Government. Similarly, COVID-19 has also made it very difficult for ABTA, and virtually impossible for many of the individual businesses we represent, to engage in an effective way with the UK-EU trade talks.

**4. What types of economic activity, and sectors of the UK economy, currently benefit from being able to move staff between the UK and EU Member States temporarily or for longer periods?**

As outlined in response to previous questions, the EU's Posted Workers Directive has enabled travel companies to enjoy operational flexibility that has become an integral part of their business models. It is estimated that around 15,000 UK workers benefit from the Posted Workers Directive every year, working for temporary periods across the EU whilst retaining their UK employment and social security status. Similarly, inbound operators benefit from the ability to have EU nationals here to support visitors to the UK, especially given the shortage of foreign language skills in the UK workforce.

The UK's outbound tourism industry has found it very difficult to plan for the future when there has been little guidance available on the parameters of a future agreement, including mobility agreements, and what these might mean for the business models of UK travel companies. As a result of the significant uncertainty surrounding the UK's future relationship with the EU, the number of UK workers under the Posted Workers Directive has fallen by approximately 30% since the EU referendum. This decline in Posted Workers is primarily due to placement of workers by tour operators and other travel businesses on local contracts. However, while changes in employment practices have offered some short-term comfort to businesses, enabling staff to benefit from the protections within the Withdrawal Agreement, for example, even these roles could be at risk in the longer-term depending on the outcome of UK-EU trade talks.

**5. Given the likely scope of a future agreement on mobility, how will this affect exports of UK services? In particular, for (a) businesses wishing to move staff between the UK and the EU, and (a) the self-employed and freelancers?**

ABTA has sought to answer this question as applicable to the provision of tourism services. As part of our detailed preparations following the EU referendum, providing ABTA Members with guidance and information on what operational changes they might face as the UK departs the EU, ABTA previously sought legal advice on the scope of GATS Mode IV provisions. This advice specifically looked at how GATS rules, in the event of a no-deal exit or separate to a formal trade agreement, might cater for the travel industry. Based on this advice, ABTA notes significant gaps in terms of the scope of roles covered within the outbound tourism industry, as well as inherent complexities that travel companies will be faced with when seeking to navigate these rules, which will vary depending on the EU Member States they operate within.

As background, each WTO Member makes two types of commitments (each falling in a different section of the relevant schedule):

- Horizontal commitments, which stipulate limitations that apply to all of the sectors included in the schedule; these may refer to a particular mode of supply (notably commercial presence and the presence of natural persons) or to more than one mode of supply.

- Sector-specific commitments, which apply to trade in services in a particular sector or subsector.

Horizontal commitments and sector-specific commitments are cumulative. Horizontal commitments apply regardless of what is committed in the sector-specific commitments unless the sector-specific commitments expressly deviate from the horizontal commitments.

Until the Lisbon Treaty took effect in 2009, the EU and EU Member States shared the competence to negotiate commitments under the GATS. This is now an exclusive competence of the EU. However, due to the historical sharing of competences and the successive enlargements of the EU (some of which took place after the last negotiations of the GATS commitments), the EU and EU Member States' schedules have not been consolidated in one schedule.

As a result of this very complex process and the lack of an actual consolidation, in order to understand which commitments would be applied, and under which conditions, by the EU and the EU Member States to the ABTA Members, it is necessary to consult both the EU GATS schedule and the schedules of the EU Member State(s) that is(are) relevant on a case by case basis.

ABTA's legal advice found that *"In respect of the travel and tourism industry in which ABTA Members operate, GATS will only enable UK Travel Workers to provide services in the EU where the EU's horizontal commitments and service specific commitments allow access to the EU market."*

Examples of the relevant EU schedules for tourism services are reproduced below:

<b>Horizontal Commitments</b>
<p>Unbound except for measures concerning the entry into and temporary stay within a Member State, without requiring compliance with an economic needs test, of the following categories of natural persons providing services:</p> <ul style="list-style-type: none"> <li>i) the temporary presence, as intra-corporate transferee, of natural persons in the following categories, provided that the service supplier is a juridical person and that the persons concerned have been employed by it or have been partners in it (other than as majority shareholders), for at least the year immediately preceding such movement: <ul style="list-style-type: none"> <li>a) Persons working in a senior position within a juridical person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including: <ul style="list-style-type: none"> <li>- directing the establishment or a department or sub-division of the establishment;</li> <li>- supervising and controlling the work of other supervisory, professional or</li> </ul> </li> </ul> </li> </ul>

- managerial employees;
- having the authority personally to hire and fire or recommend hiring, firing or other personnel actions.
  
- b) Persons working within a juridical person who possess uncommon knowledge essential to the establishment's service, research equipment, techniques, or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment, but also of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.
  
- ii) the temporary presence of natural persons in the following categories:
  - a) Persons not residing in the territory of a Member State to which the EC treaties apply, who are representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service provider, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves.
  - b) Persons working in a senior position, as defined in i) a) above, within a juridical person, who are responsible for the setting up, in a Member State, of a commercial presence of a service provider of a Member when:
    - the representatives are not engaged in making direct sale or supplying services; and
    - the service provider has its principal place of business in the territory of a WTO Member other than the Communities and their Member States and has no other representative, office, branch or subsidiary in that Member State.

F: The managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.

I: Access to industrial, commercial and artisanal activities is subject to a residence permit and specific authorization to pursue the activity.

(iii) Unbound except for measures concerning the entry into and temporary stay within a Member State of the following category of natural persons without requiring compliance with an economic needs test except where indicated for a specific subsector.

Access is subject to the following conditions:

- The natural persons are engaged in the supply of a service on a temporary basis as employees of a juridical person, who has no commercial presence in any Member State of the European Community.
- The juridical person has obtained a service contract, for a period not exceeding 3 months from a final consumer in the Member State concerned, through an open tendering procedure or any other procedure which guarantees the bona fide character of the contract (e.g. advertisement of the availability of the contract) where this requirement exists or is introduced in the Member State pursuant to the laws, regulations and requirements of the European Community or its Member States.

- The natural person seeking access should be offering such services as an employee of the juridical person supplying the service for at least the year (two years in the case of GR) immediately preceding such movement.
- The temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period (24 months in the case of NL) or for the duration of the contract, whatever is less.
- The natural person must possess the necessary academic qualifications and professional experience as specified for the sector or activity concerned in the Member State where the service is supplied.
- The commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned.
- The number of the persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws, regulations and requirements of the European Community and the Member State where the service is supplied.
- The service contract has to be obtained in one of the activities mentioned below and subject to the additional conditions mentioned in the subsector by the Member State concerned:
  - Legal services
  - Accounting services
  - Taxation advisory services
  - Architectural services, urban planning and landscape architectural services
  - Engineering services, integrated engineering services
  - Computer and related services
  - Research and development services
  - Advertising
  - Management consulting services
  - Services related to management consulting
  - Technical testing and analysis services
  - Translation services
  - Construction services, site investigation work
  - Higher education services
  - Travel agencies and tour operator services
  - Entertainment services
  - Services related to the sale of equipment or to the assignment of a patent.

**Sector Specific Commitments**

<b>Sector</b>	<b>Limitation on market access</b>
Travel agencies and tour operators services	Unbound except for A, B, D, DK, I, FIN, IRL, S where: as indicated in the horizontal section under (iii), and subject to the following specific limitations: A, B, D, DK, FIN, I, IRL, S: Unbound except for tour managers (persons whose function is to accompany a tour group of a minimum of 10

	<p>persons, without acting as guides in specific locations) where for A, B, D, DK, I, IRL, S: professional certificate and three years' professional experience.</p> <p>I: Compliance with an economic needs test is required.</p>
Tourist guide services	<p>Unbound except as indicated in the horizontal section and subject to the following specific limitations:</p> <p>E, I: The right to exercise the profession is reserved for the local organizations of tourist guides.</p> <p>GR, E, F, I, P: Access to the activity is subject to condition of nationality</p>
Entertainment services	<p>Unbound except for A and F concerning the temporary entry of artist where: as indicated under the horizontal section under (iii) and subject to the following specific limitations:</p> <p>A: access is limited to persons whose main professional activity is in the field of fine arts, deriving the major part of their income from that activity. such persons shall not exercise any other commercial activity in Austria.</p> <p>F: - The artists have obtained an employment contract from an authorized entertainment enterprise.</p> <p>- The work permit is delivered for a period not exceeding nine months renewable for a duration of three months.</p> <p>- Compliance with an economic needs test is required.</p> <p>- The entertainment enterprise must pay a tax to the International Migration Office</p>

ABTA notes significant barriers relating to:

- entry for third country nationals (economic needs test, qualification requirements etc.);
- length of stay permitted (90 days).

It is not clear from our engagement with the UK Government what could be achieved, or what the UK is seeking to negotiate through the trade deal, to circumvent or alleviate either of the above concerns around future arrangements. However, UK officials have advised ABTA that Mode IV agreements usually do not remove qualification requirements or soften these entry requirements. ABTA is concerned about the scope that exists to replicate existing employment arrangements on a pan-EU basis.

To avoid significant operational disruption for the UK outbound tourism industry, which could cause businesses to cease trading, separate bilateral agreements are likely to be required with EU Member States, which will require further negotiations to be undertaken in very quick timescales. For example, the UK ski sector sends around 7,000 workers under the Posted Workers Directive or local law (on French contracts, obtained through EU citizenship) into France each winter. Given potential restrictions on length of stay, it is unclear whether Mode IV provisions will be sufficient to enable these workers to operate as they do now beyond 2021. Similarly, Italy is another popular ski destination, which has significant barriers to entry around qualifications as well as length of stay.

It is also possible that UK businesses could face additional barriers, arising from disputes around qualifications, when seeking to utilise Mode IV provisions. There has been a history of similar problems arising for UK nationals seeking to deliver tourism services across the EU, including around mountain biking and ski guiding qualifications in France, which have been resolved through the courts, linked to the Mutual Recognition of Professional Qualifications Directive. While Mode IV provisions will seek to replicate and maintain similar lists of agreed qualifications, it is envisaged that disputes will arise, and it is not immediately clear what processes will be agreed for resolving such matters, or under which jurisdiction such matters will be resolved.

## **6. What should businesses be doing now to prepare for the likely outcome of the negotiations on mobility and social security coordination?**

ABTA is currently working to prepare the industry for the operational changes that will be required once the UK exits the transition period, and is issuing regular guidance to our Members on the full range of regulatory changes anticipated. Changes to employment rules are a priority for the UK travel industry, which has relied on existing arrangements, especially the Posted Workers Directive, to a very large extent to underpin the success of businesses over recent decades. Given the short amount of time left prior to the end of the transition period, and the significant potential that exists for large scale disruption of the existing employment arrangements across the industry, it is important to know the extent to which the industry's concerns are currently being addressed within the ongoing trade negotiations, and to be given clear guidance from Government, as the only body with the necessary insight on progress of negotiations, around the steps businesses need to take to prepare their workforce. Detailed Government guidance has been sorely lacking to date.

ABTA's immediate advice to Members is to:

- Consider the benefits of local contracts for staff for the winter season 2020-21, which might provide some protections for staff under the Withdrawal Agreement;
- Familiarise themselves with WTO rules for provision of services in the countries in which they operate, and monitor closely government updates.

**7. How might it affect those engaged in activities relating to culture, education, or science and innovation? How will it affect British people who wish to make short term visits to an EU Member State for non work-related activities? And EU citizens who wish to make similar visits to the UK? What will this mean for family visits or tourism?**

**8. How does any agreement on mobility interact with an agreement on social security coordination? How might an agreement on social security differ to what operates at the moment? Are there any international examples that might serve as useful precedents?**

As described above, while the UK was a Member of the EU, the ability for tour operators and travel companies to use the Posted Workers Directive (PWD), keeping workers on UK PAYE while they were posted across the EU was a significant benefit for both employees and employers. For employees, the ability to continue social security arrangements within the country in which they ordinarily reside, when temporarily working elsewhere, is a considerable attraction, especially where access to future benefits such as healthcare or pensions is tied into contributions. Whereas employers benefit from the ability to deal with one social security system and the associated administration savings involved. While benefiting from the PWD, UK tour operators and travel companies are required to comply with local minimum wage obligations and other labour conditions, and have not been implicated in issues around undercutting of wages or so-called 'social dumping', which has been an issue of some contention across the EU in recent years.

As outlined in response to question 1, above, the UK's draft Social Security Coordination Agreement contains a provision for 'detached workers' (Article 7). Under the UK's proposal, a person who is employed in either Party (the UK or an EU Member State) by an employer with a place of business there and who is sent by that employer to the other Party to perform work on that employer's behalf shall continue to be subject to the legislation of the first Party, provided that the anticipated duration of such work does not exceed 24 months. There is no definition offered on a 'detached worker', and ABTA is seeking clarity from the UK Government at present around this part of the UK's negotiating text, but it would seem that this would enable UK workers performing professional activities within the EU under the GATS Mode IV provisions to continue their UK social security arrangements. The EU's negotiating Directives also envisage that the future relationship should "address social security coordination" (Section 9, Mobility). However, the EU's preparedness communication, issued on 9 July, makes clear that future arrangements will not be as extensive as existing rights, while noting the precise scope concerning matters such as healthcare costs or pension rights is a matter for negotiations.

ABTA is not aware of any international precedents.

**9. What will be the legal basis for any fall-back options on 1 January 2021 in the end of no agreement being reached on mobility and social security coordination?**

See answer in relation to question 5 for more detail.

For travel companies relying on the Posted Workers Directive, a no-deal outcome would mean the current arrangements used to post staff within the EU, and move staff between Member States, would no longer be applicable. In order to continue to benefit from the Posted Workers Directive, which enables businesses to post staff in other EU Member States for a period up to eighteen-months, it would be necessary to establish an entity in a qualifying EU/EEA Member State and to hire the relevant staff in that country of establishment. This is likely only to be viable for larger tour operators or travel companies.

It is unclear whether, in the event of a no-deal scenario, bilateral agreements could be reached to enable UK workers to remain in EU Member States, beyond the minimum level of rights available under WTO GATS rules, as national labour rules and regulations will take precedence at this point. Some Member States confirmed in late 2019, when a no-deal exit was looking possible, that they would adopt a period of leniency for UK nationals, and those already in place should be protected by the Withdrawal Agreement. However, there is unlikely to be a unified approach in place across the EU. Further information on previous arrangements for each Member State can be found on the FCO in-country guides for individual Member States.<sup>2</sup>

As outlined in Section 5, ABTA has previously taken legal advice on the matter of WTO rules and their applicability to travel businesses in the event of no-deal. While the Withdrawal Agreement deals with some previous uncertainties around legacy rights, several questions remain unanswered as to future employment flexibility, which is crucial to the outbound travel industry. While for certain roles, such as contractors and entertainers, WTO rules would likely enable these employees to operate throughout the EU/EEA, albeit for short periods of times, for many roles, such as travel reps, who often reside within Member States for longer periods, or tour hosts, where additional barriers to entry in relation to national requirements for certain qualifications are more common, the situation is much more complex.

**August 2020**

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<sup>2</sup> <https://www.gov.uk/government/collections/overseas-living-in-guides>



# Committee on the Future Relationship with the European Union

House of Commons, London, SW1A 0AA

Email: [freucom@parliament.uk](mailto:freucom@parliament.uk) Website: <https://committees.parliament.uk/committee/366/committee-on-the-future-relationship-with-the-european-union/>

27 July 2020

Mark Tanzer  
Chief Executive  
ABTA

Dear Mr Tanzer,

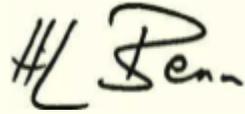
The House of Commons Committee on the Future Relationship with the European Union is inquiring into the progress of the negotiations between the UK and the EU. Under normal circumstances, the Committee holds regular oral evidence sessions in Westminster. However, measures to prevent the spread of the coronavirus make this difficult.

The Committee is keen to gather as much evidence as possible to inform its deliberations so I am writing to you to ask whether you would be willing to help us with our work by making a written submission. Further to your evidence on transport matters, I would welcome your views on mobility in the negotiations on the future relationship, and your answers to some of the more specific questions set out below on issues that fall within your area of expertise. Submissions need not address every bullet point and can include other matters that you think are relevant to the negotiations and should be drawn to the attention of the Committee.

- Given the two draft legal texts, what does the EU legal text cover and what does the UK legal text cover when it talks about mobility and short-term visits without the need for a visa?
- What are the major differences between the two positions on mobility in the negotiations? How would you explain any differences? Given the two positions, what do they appear to agree on?
- What could be the barriers to an agreement on mobility being negotiated this year? To what extent will the rules for British people wishing to work in the EU, be determined by an EU wide agreement or by domestic law in the UK and each Member State?
- What types of economic activity, and sectors of the UK economy, currently benefit from being able to move staff between the UK and EU Member States temporarily or for longer periods?
- Given the likely scope of a future agreement on mobility, how will this affect exports of UK services? In particular, for (a) businesses wishing to move staff between the UK and the EU, and (b) the self-employed and freelancers?
- What should businesses be doing now to prepare for the likely outcome of the negotiations on mobility and social security coordination?
- How might it affect those engaged in activities relating to culture, education, or science and innovation? How will it affect British people who wish to make short term visits to an EU Member State for non work-related activities? And EU citizens who wish to make similar visits to the UK? What will this mean for family visits or tourism?
- How does any agreement on mobility interact with an agreement on social security coordination? How might an agreement on social security differ to what operates at the moment? Are there any international examples that might serve as useful precedents?
- What will be the legal basis for any fall-back options on 1 January 2021 in the event of no agreement being reached on mobility and social security coordination?

The Committee staff will be happy to discuss the inquiry, any issues raised, or the process for submitting written evidence. You can contact them at [freucom@parliament.uk](mailto:freucom@parliament.uk).

Yours,

A handwritten signature in black ink, appearing to read 'H/ Benn'.

**Hilary Benn**  
Chair of the Committee