

Nick Gammon – Written evidence (FTS0017)

I am both a photographer and an artist, and a UK national resident in the Netherlands.

I am making this submission as an individual to draw attention to the consequences of the Trade and Cooperation Agreement (TCA) for my sectors, with specific reference to the particular difficulties faced by UK creative and media professionals based within the Schengen area.

As has become clear, the cultural and media sectors have been omitted from the agreement and I want to illustrate how this omission affects me directly as a photographer and photo-journalist, living in the Netherlands.

The immediate questions that require answering are - can I continue to:

1. Gather material, cover stories or shoot subjects outside the Netherlands in other EU member states
2. Sell material to titles or clients outside the Netherlands in other EU member states
3. Work remotely for titles or clients in other EU member states within the Netherlands

A direct consequence of our omission from the TCA is that the EU's Guidance Notes 2.13.1 Article 25(1) and the WA will now apply to British journalists, artists and performers who live in the EU. And as such, we will be only be allowed to supply cross-border services as a frontier worker to a single EU27 State and then only if we don't also work in the State in which we live.

In other words, since the Withdrawal Agreement doesn't protect us and we aren't covered by the Trade Agreement, then providing any of the above services will no longer be permissible. I notice the IND's (the Dutch immigration department) website has recently been updated to closely follow the EU's Guidance Notes.

But the point is, we regard it as standard practice to work across EU borders. Often on a daily basis. Especially in the smaller Benelux countries. The reason is obvious, we operate within the economies in which we live, which of course function collectively as the Single Market. My most recent tax return shows 80% of my income came from cross-border services all of which would be prohibited under the above rules.

If UK nationals must now comply with whatever requirements individual Member States have for journalists who wish to work in their territories, two ancillary questions follow:

1. What are these requirements and are they appropriate to freelancers?

2. Do these visas or permits overwrite or conflict with our pre-existing rights and exemptions?

While most countries issue media visas to third country nationals these visas usually expect journalists to take up residence for long periods of time - these journalists are usually foreign correspondents employed by large media operations. And they are often prohibitively expensive.

Clearly, these visas are not appropriate for freelancers who want to cross the border frequently on short assignments that may even last less than a day. So, what kind of permit is required if a story is breaking just across the German border, an hour's drive away? What do I do, if my Belgian photo-agency needs me to take a photo for them in Amsterdam? How can I sell a travel story shot in the USA to a Danish magazine?

Along with colleagues, I have both spoken to and written to the visa departments of the consulates in the Netherlands, of Germany, France, Spain, Italy, Portugal, Austria, Luxembourg, Belgium, Denmark and Sweden to ask, what are their requirements for British journalists who live in the Netherlands and want to visit their territories to cover stories for brief periods.

Unsurprisingly, none have been able to answer. Quite probably, no such visas exist in most countries because the EU has standard, reciprocal arrangements with large swathes of the globe that allows for short term visits for cultural and journalistic reasons. Which is the offer that HMG rejected, without making alternative arrangements.

A serious consequence, for those of us who live in the Schengen zone, with residency permits in our respective countries, is that we risk exclusion from the Schengen zone if we continue to work as we have done. Because that is the sanction for working without a permit within the bloc.

I have to point out that those of us who live in the EU have been repeatedly told by HMG that our mobility rights would be addressed, firstly in the Withdrawal Agreement and then when that didn't happen, in the subsequent Trade Agreement. We have also been promised that, broadly, our lives could continue as before. Being threatened with removal from your home and your family if you continue to work as you have for the past thirty years, is not continuing with life as normal.

With reference to my second question: under the WA we are exempt from having our passports stamped when we cross a Schengen border, if we hold a residents' permit. So even if we could apply for the correct visa, an expired visa issued for work purposes could easily be misread at the border as overriding the residency permit - why a border guard might wonder, would you apply for a visa if you already had the right of residence? We are already seeing a blizzard of wrongly stamped passports as British residents in the EU return to their host countries.

Which emphasizes the reality that the situation of a Schengen based UK national is quite different from that of a UK national resident in Britain, or for that matter

a third country national who opted to take up residency in an EU State, understanding their mobility would be restricted to that State.

To those of us who have exercised our European mobility rights it seems that the contract we signed has been changed, and its terms and conditions rewritten without our agreement. Particularly if you happen to be, as I am, one of the estimated 600,000 UK nationals who were not allowed a vote in the referendum – and who, as a result have become completely disenfranchised.

This in itself is unacceptable, but I have no doubt that not having a vote is one reason we, as a cohort have been largely ignored in the TCA.

The time has come for both HMG and the EU Commission to demonstrate some flexibility towards the 1,200,000 people who pay taxes in the Member States, and who's obligations remain the same but whose rights have been seriously curtailed - as I have demonstrated.

Lastly, as an artist who has exhibited in galleries and museums throughout Europe, I must raise the issue of British artists who will be damaged by the failure to include them in the agreement.

The effect of simply leaving the creative sector out of the TCA will sever many of the cultural ties that have bound the United Kingdom to Europe, for long before the EU existed. Even while a central plank of the EU's program for culture is to reduce barriers to mobility for artists and cultural professionals across the world, by providing funding and other opportunities. Britain is now in full retreat from international cultural relations, at a time when it should be making every effort to engage in them.

In adopting this posture, Britain is ensuring its artists, writers and performers will be pushed to the back of the queue in the cultural life of Britain's closest neighbours.

Whilst large galleries and museums will probably cope, the sliding doors of opportunity for younger artists is being slammed shut by the government. And the worst of that is we will never know what has been lost. Before we were members of the EU and even before we were in the Common Market, working in the continent was a simple, uncomplicated matter. And artists, writers and performers habitually crossed the channel in order to work.

In the early sixties a young Merseyside band was booked for a season in Hamburg, where they met a young German photographer – she styled the group with a distinctive look. Without that Hamburg visit, without that cultural exchange, would there ever have been the Beatles?

I have no doubt, that given the expense and complexity of applying for permits, it will no longer be feasible for many young writers, poets, painters, dancers, singers, sculptors, actors, choreographers and clowns to be paid to give performances, or workshops, or teach courses, or give signings, or attend residencies, or give talks at literary festivals, art fairs or film festivals throughout Europe. And that is a disgrace.

February 2021