

Written evidence submitted by UK Music

UK Music is the collective voice of the UK's world-leading music industry. UK Music represents all sectors of the music industry – bringing them together to collaborate, campaign and champion music. UK Music promotes the music industry as a key national asset to all levels of Government and publishes research on the economic and social value of music. We have found that musicians and the commercial music sector in Northern Ireland and artists/promoters based in Great Britain looking to play in Northern Ireland face a deeply muddled customs arrangement for instruments looking to go between Northern Ireland and Great Britain. This is a situation where sometimes the customs border seems to be the Northern Irish – Republic of Ireland Border and at others it seems to be the Great Britain – Northern Irish Border, creating an unnecessarily murky legal situation that can only lead to grief.

There are of course much deeper issues than commercial music at play around the issues of the borders of Northern Ireland, however UK Music can only bring to the attention of the Committee how these issues are playing out and being handled from the perspective of commercial music, musicians, music businesses and music workers.

As part of its UK wide remit UK Music works to promote music in Northern Ireland. In 2019, the last year for which we have meaningful data there were 234,000 music tourists in Northern Ireland who spent £81 million and directly support almost 1,000 jobs, Northern Ireland has produced a range of prominent musicians, bands and artists, including the Undertones, Van Morrison and D:Ream.¹ In November 2021 the importance of Belfast to music and vice versa was acknowledged when Belfast was made a UNESCO City of Music.²

UK Music routinely engages with Northern Irish stakeholders on a range of issues relating to the commercial music sector in Northern Ireland, including Arts Council Northern Ireland. The music scene in Northern Ireland is defined by strong links both westward to the rest of the United Kingdom (particularly Scotland and the North West) as well south, to the Republic of Ireland. There are a range of issues facing commercial music sector in Northern Ireland such as brain drain, a lack of live opportunities as well as areas of growth such as the growing partnership with film TV in Northern Ireland. However, a key new issue for the sector has been the lack of clarity from the UK Government and the European Union on the legal position of instruments being moved to and from Northern Ireland to Great Britain.

¹ <https://www.ukmusic.org/research-reports/music-by-numbers-2020/>

² <https://www.belfastcity.gov.uk/belfastmusic>

Two key pieces of paperwork are of particular importance in these issues. The ATA Carnet and CITES certification, and the rules for both suggest conflicting interpretations of the customs arrangement in Northern Ireland and have been bedevilled by a lack of official clarity from Government.

The ATA carnet is a paid for pass for a shipment of instruments managed by the London Chamber of Commerce that states that a party bringing in a shipment of instruments does not intend to sell these them and guards against people posing as musicians to illegally import instruments.³ For UK based persons or entities seeking to get one they are £300 plus VAT from the London Chamber of Commerce, on top of a security deposit. These are not needed for accompanied instruments, but for shipments of instruments, e.g. orchestras or drum kits, that are leaving the UK and crossing an international customs border.

We have been repeatedly told conflicting information on this point. In early 2021 we were told verbally by HMRC that carnets would not be needed between Great Britain and Northern Ireland, this position was then reviewed and reversed, before being changed again. As we understand it the situation is now that carnets are not needed between Great Britain and Northern Ireland and vice versa but are needed between the Republic of Ireland and Northern Ireland, therefore the customs border is the Northern Ireland/Republic of Ireland border. However, the situation is not as clear as it should be, for example, HMRC Guidance from July 2021, that is still live on Gov.UK states that you *can* use ATA Carnets for temporarily moving goods to Northern Ireland. Our member the Musicians' Union (MU) has been unable to get officials to publicly and formally commit to the fact that legally the position is that carnets are not needed for moving unaccompanied instruments to Northern Ireland.⁴ However, the London Chamber of Commerce have now confirmed this.

Given it is now November 2021, 11 months since the agreement in principle of the Trade and Co-operation Agreement, this confusion has been utterly unacceptable. Businesses and musicians are right to expect clarity when it comes to legal arrangements of this kind, and it is concerning that this confused position has been allowed to persist. Particularly when it comes to shipments that are worth thousands of pounds and are literally irreplaceable for small scale acts and orchestras.

Furthermore, it should be noted that carnets are needed for Northern Ireland – Republic of Ireland shipments, making it more difficult for Northern Irish artists to play in the Republic of Ireland, potentially harming a really important relationship for Northern Irish music.

³ <https://www.gov.uk/taking-goods-out-uk-temporarily/get-an-ata-carnet>

⁴ <https://www.gov.uk/guidance/moving-goods-temporarily-into-and-out-of-great-britain-and-northern-ireland>

Another important document is CITES certification. This is certification for the movement of an animal or plant (or part thereof) dead or alive that is covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and designed to enforce a moratorium on the trade in these animals and plants. This is a laudable aim and it is relevant in a music context as pre-CITES many music instruments were made from what are now protected species (e.g. Rosewood in certain guitars) ergo these instrument now need CITES certification when crossing custom borders to prove they were made pre-CITES. ⁵

Gov.UK states that CITES certification is needed for the import or export of any living or dead CITES covered specimens and “*This includes if you move CITES specimens between Great Britain (England, Scotland and Wales) and the EU, and Great Britain and Northern Ireland (NI)*”.⁶ Therefore in this aspect Northern Ireland is being treated as a separate customs territory. We are concerned that musicians may not be aware of these requirements and thereby accidentally fall foul of CITES regulations that can carry a penalty of up to 7 years in prison and an unlimited fine.⁷

In conclusion we are now in a position where an entirely unique and inconsistent position has been created for the movement of musical instruments to Northern Ireland where certain documentation that would normally be required for moving into a new customs territory is required, but the status of others has not been clearly pronounced. Thus creating a wide opening for increasing friction between Northern Ireland and Great Britain, the potential for mistakes by officials and a legal quagmire that might be stumbled into at any moment. We urgently need the UK Government to provide clarity for musicians looking to move between Great Britain and Northern Ireland and vice versa and prove that they have confidence in their own understanding of the Northern Ireland Protocol. While the industry has worked hard to provide clarity, officially approved guidance can help provide reassurance.

We would recommend that the UK Government works with HMRC, the music industry, the London Chamber of Commerce and the Northern Ireland Executive to produce a definitive guide on the legal arrangement governing musical instruments being sent for use between Northern Ireland and the Republic of Ireland and Great Britain to address this confusion and ensure that up and coming artists in Great Britain and Northern Ireland are able to easily understand what they need to do. Our artists and music workers should be able to play with confidence without worrying about red-tape, and it is incumbent on the Government to act.

⁵ <https://musiciansunion.org.uk/working-performing/working-overseas/travelling-with-a-musical-instrument/musical-instruments-made-of-rare-materials>

⁶ <https://www.gov.uk/guidance/cites-imports-and-exports>

⁷ <https://www.gov.uk/guidance/cites-imports-and-exports>

Annex

UK Music's membership comprises: -

- AIM – The Association of Independent Music – AIM – The Association of Independent Music – the trade body for the independent music community, representing 1000+ independent record labels and associated businesses, from globally recognised brands to the next generation of British music entrepreneurs.
- BPI - the trade body of the recorded music industry representing 3 major record labels and over 400 independent record labels.
- FAC – The Featured Artists Coalition is the UK trade body representing the specific rights and interests of music artists. A not-for-profit organisation, they represent a diverse, global membership of creators at all stages of their careers and provide a strong, collective voice for artists.
- The Ivors Academy - The Ivors Academy is an independent association representing professional songwriters and composers. As champions of music creators for over 70 years, the organisation works to support, protect and celebrate music creators including its internationally respected Ivors Awards.
- MMF – Music Managers Forum - representing over 1000 UK managers of artists, songwriters and producers across the music industry with global businesses.
- MPG - Music Producers Guild - representing and promoting the interests of all those involved in the production of recorded music – including music studios, producers, engineers, mixers, remixers, programmers and mastering engineers.
- MPA - Music Publishers Association - with 260 major and independent music publishers in membership, representing close to 4,000 catalogues across all genres of music.
- Musicians' Union - Representing over 32,000 musicians from all genres, both featured and non-featured.
- PPL is the music licensing company which works on behalf of over 110,000 record companies and performers to license recorded music played in public (at pubs, nightclubs, restaurants, shops, offices and many other business types) and broadcast (TV and radio) in the UK. PPL also collects royalties for members when their recorded music is played around the world through a network of international agreements with other collective management organisations (CMOs).
- PRS for Music is responsible for the collective licensing of rights in the musical works of 150,000 composers, songwriters and publishers and an international repertoire of 28 million songs.
- UK Music also has an informal association with LIVE (Live music Industry Venues & Entertainment), the voice of the UK's live music and entertainment business. LIVE

members are a federation of 13 live music industry associations representing 3,150 businesses, over 4,000 artists and 2,000 backstage workers.

November 2021