



PAYING THE PRICE

The sixth ISM Brexit report

Report by **Dr Jodie Underhill**

Co-authors:

Naomi McCarthy and Deborah Annetts



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Contents

Executive summary	05
How the government failed the music sector	06
Making Brexit work	08
Brexit timeline	08
The ISM's Brexit reports	12
Previous survey findings 2016 – 2020	13
Current survey findings 2021 – 2023	18
Conclusion	32
Recommendations	33
Endnotes	34

Lead author: Dr Jodie Underhill

Co-authors: Naomi McCarthy and Deborah Annetts



Executive summary

This report is the ISM's sixth Brexit survey of the music sector since 2016. It is the first of its kind since the UK left the EU and COVID-19 restrictions were lifted, and reflects the new reality for musicians post-Brexit.

The ISM's earliest surveys, carried out in October 2016 and June/July 2017, highlighted musicians' concerns about their ability to work in the EU post-Brexit. Respondents warned that their experiences of working in non-EU countries, including visas and work permits, ATA Carnets, CITES regulations and problems at the border, would be replicated in the 27 EU Member States if Brexit resulted in any loss of mobility. Almost two thirds of respondents from our previous surveys said they were concerned about their ability to work in the EU post-Brexit.

The ISM was not alone in making these concerns known to government. Since 2016 there have been clear and consistent warnings from across the creative industries including the music sector about the threat that Brexit posed to these industries. The issues raised in the ISM Brexit reports do not just affect musicians, but also their support crews, including sound engineers, lighting technicians and stage managers, as well as those working in the fashion, theatre, dance and visual arts industries.

The creative sector's importance should have meant that it was a priority for government in its negotiations with the EU to get a deal that would support the sector and not harm it. The UK is an international cultural powerhouse and its music, film and art industries are world renowned. Our music industry is a leading generator of soft power and cultural influence is a key factor in the UK's global standing. The creative industries also provide significant economic benefits, creating jobs, boosting local communities and contributing £116 billion to the economy.¹

Yet chief Brexit negotiator David Frost and his team entirely failed to protect the music industry in the final deal. This became all too evident in the terms

of the 2021 Trade and Cooperation Agreement (TCA), which made no provision for touring creatives, leaving them exposed to a mountain of complex and costly red tape.

The past few years have been characterised by a great deal of uncertainty, not least because of the COVID-19 pandemic, which at first obscured the impact of Brexit on the sector. This report is the first to set out the lived experience of musicians working in the post-Brexit EU since the COVID-19 travel restrictions were lifted. It shows that they were right to sound the alarm about the impact of Brexit on their livelihoods. The difficulties reported are widespread and significant, but despite many promises from government to 'make Brexit work', almost nothing has been done to ease the burden of bureaucracy resulting from Brexit for musicians.

In 2022 Caroline Dinenage MP, the former Secretary of State for Digital, Culture, Media and Sport (DCMS) pointed out that the government has '... not always supported or nurtured our world-leading creative talent as we should as a country, or understood our arts and culture as the golden economic goose that it is.'² She went on to warn, '... we must never underestimate the potential of our arts and culture, and the vital role of its people, the creators and performers, who underpin this success story.'

The government must heed this warning. The combined weight of evidence provided by respondents to this latest survey and the ISM's previous Brexit surveys over the past seven years clearly demonstrates that those working in the music industry are paying the price for the lack of action from government, and that solutions are urgently needed.

How the government failed the music sector

Since the 2016 EU Referendum the government has repeatedly made promises to the music sector that it has not kept.

In September 2020, during negotiations with the EU for a deal, Baroness Barran, then-Parliamentary Under-Secretary for DCMS, stated: ‘...my department is working very closely with those involved in the negotiations, and we aim to negotiate reciprocal arrangements which will facilitate businesses, including musicians and groups of musicians, to deliver their services within the EU.’³

Yet during these negotiations (led on the UK side by Lord Frost) the government rejected the EU’s offer of a reciprocal visa waiver for performers as part of the post-Brexit agreement, claiming this was incompatible with the Conservative Party’s manifesto commitment to take back control of the UK’s borders. The government instead attempted to use mode 4 in negotiations related to mobility.⁴ However, this was never the correct mechanism for musicians and was rejected in turn by the EU. Mode 4 covers short-term business visitors and contractual service suppliers, and it specifically excludes ‘...measures affecting persons seeking access to another member’s employment market.’⁵

The outcome was a complete absence of any provision for touring performers in the TCA, with each side blaming the other for the failure to reach an agreement. In effect, the TCA delivered a no-deal Brexit for musicians, resulting in a complex regulatory landscape of differing requirements for visas and work permits across the 27 EU Member States.

By early 2021 the full implications of the TCA for the music sector were already becoming apparent. Faced with confusing and sometimes incorrect official guidance from government, the ISM published its Visa and Work Permit Guide to assist musicians and the wider creative sector in understanding the regulations now in place and what they needed to do if they wanted to tour in Europe.⁶

In March 2021, when questioned by the Liaison Committee about what the government was doing to resolve the situation, the then-Prime Minister Boris Johnson promised that he would fix the problems and said the government was working ‘flat out’ in bilateral negotiations with EU Member States.⁷

In April 2021 the ISM coordinated an open letter calling on the Prime Minister to deliver on this promise, signed by over 300 organisations from across the creative industry, including the British Fashion Council, One Dance UK, the Royal Shakespeare Company, the British Arts Festivals Association, Glyndebourne Productions Ltd, the Association of British Orchestras, the Edinburgh Festival Fringe Society and UK Music. The letter urged the government to negotiate a bespoke Visa Waiver Agreement (VWA) with the EU for the creative sector, covering all creative professionals, and to negotiate bilateral agreements with key individual EU Member States that did not offer cultural exemptions for work permits.

The government’s lack of action was revealed at a webinar in September 2021 on the future UK/EU relationship and challenges for the cultural sector, when Julian Knight MP stated that the first bilateral meeting had only taken place in June 2021, meaning that over six months had gone by with no bilateral negotiations.⁸ Despite this lack of progress, the DCMS issued misleading press releases in August and October 2021⁹ claiming that visa and permit free touring was now possible in most EU Member States, even though the arrangements for visa-free touring were still virtually the same as in January 2021.

By contrast, the only effective action during this period was taken by the music sector, which took matters into its own hands and successfully lobbied the Spanish government to amend its strict visa requirements, which were relaxed in November 2021.

On 30 September 2021 the ISM and Sarah Lee KC met with representatives from the Home Office, DCMS and the Cabinet Office to discuss the possibility of negotiating a bespoke VWA for the creative sector. The legal advice which the ISM had obtained from Sarah Lee KC made clear that it would be possible to negotiate a VWA without reopening the TCA. Officials at the meeting stated that the VWA worked legally – but said they did not want to pursue it for ‘political reasons’.

However, Lord Frost himself, when delivering the Churchill Lecture in Zurich in March 2022, admitted that ‘...we should take another look at mobility issues.’ He said the government had been ‘too purist’ on the issue and acknowledged the detrimental impact to musicians.¹⁰ In October 2022,

at a European Affairs Committee oral evidence session, he went further, suggesting that a VWA could be possible:

‘I do not see why we could not agree a narrow visa waiver arrangement covering defined categories such as musicians and actors and so on, provided that it was not permanent for ever, had an exit clause, could be renegotiated and was flexible according to events. But that ought to be possible. If the relationship warms up generally, these things are possible. In our minds, they could have been possible even in 2020, but events just did not make it possible.’¹¹

The DCMS Select Committee’s Report *Promoting Britain abroad*¹² published in October 2022 called for the negotiation of a similar type of waiver, stating that:

‘The Government’s strategy of agreeing bilateral arrangements with EU member states for performers touring the EU is failing to address the industry’s needs. The Government should negotiate an agreement with the EU to provide a single-entry document for performers to submit to any EU country they wish to visit.’

Since then, there have been recent reports from the Lords’ European Affairs Committee and the UK Trade & Business Commission calling for government action to resolve the barriers to touring created by the TCA (see the Brexit Timeline).

Despite all this, very little has changed for the music industry since the UK left the EU. The mountain of complex and time-consuming red tape facing musicians wishing to work in the EU remains. The fact that the government has time and again chosen not to act on the issues facing such an economically important sector is unforgivable.

Making Brexit work

The government has repeatedly said since 2021 that it wants to make Brexit work. In response, the music sector has put forward a variety of clear and achievable solutions:

- Negotiate a **bespoke visa waiver** permitting creatives and their crews to work visa-free across the EU for up to 90 days in a period of 180 days
- Negotiate **bilateral agreements** with individual member states to exempt creatives from work permits
- Negotiate a **youth mobility scheme**, which would allow young artists to work visa and work-permit free for short periods
- Reduce the cost of **ATA Carnets for cultural goods** such as musical instruments
- Negotiate a cabotage **waiver for specialist hauliers**, to allow unrestricted touring across the EU
- **Clarify government advice pages**, to make them easier for musicians to follow
- Simplify and streamline applications for artists taking **merchandise** to the EU
- Streamline the **Musical Instrument Certificate** application process for musicians carrying CITES-listed instruments, and keep it free of charge
- Add **St Pancras Eurostar** to the list of UK CITES-approved Points of Entry and Exit (PoE)

These proposals would go a long way to reducing the burden of red tape for the sector. However, almost none have been adopted, often for political reasons, as our Brexit Timeline demonstrates.

Even the most straightforward actions that the UK could take unilaterally, such as making St Pancras Eurostar a CITES-approved PoE, have been refused, so that musicians holding Musical Instrument Certificates cannot use this route to the EU.



BREXIT: A TIMELINE 2016 – 2023

21 October 2020
In a Lords' debate about a 'Reciprocal agreement on visa-free short-term travel mobility in negotiations for the UK's departure from the EU' the government says, 'musicians are very much in our minds' during negotiations with the EU

10 September 2020
The government claims in the House of Lords that it aims 'to negotiate reciprocal arrangements which will facilitate businesses, including musicians and groups of musicians, to deliver their services within the EU.' The ISM comments: there is an 'urgent need for the government to make a deal and keep musicians touring after Brexit'

13 May 2020
The ISM publishes its fifth Brexit report: *Will music survive Brexit?* which details the increasing barriers to work in Europe and shares devastating testimony from musicians about the disastrous impact Brexit has already had on their careers

30 April 2020
The ISM publishes its report on incoming musicians: *How open is the UK for business?*

31 January 2020
The UK officially leaves the EU, starting an 11-month transition phase

23 January 2020
The UK's EU Withdrawal Bill becomes law

21 January 2020
The ISM welcomes a statement by DCMS Minister Nigel Adams that it is 'absolutely essential that free movement for artists is protected post-2020' in a Westminster Hall debate

23 June 2016
The UK votes to leave the EU in a referendum. The ISM issues a statement: 'We are concerned about the potential impact on musicians as a result of Britain voting to leave the EU'

October 2016
The ISM holds its first Brexit survey of musicians; 81% of respondents believe leaving the EU will have a harmful or very harmful impact on the music profession

8 June 2017
The Conservatives lose their majority in a snap general election

April 2017
The ISM holds its second Brexit survey of musicians

July 2018
The ISM holds its third survey of musicians and publishes its third Brexit report: *Musicians and Brexit*, collating the findings of the first three surveys and calling for freedom of movement for the creative industries

31 October 2018
The ISM launches its #SaveMusic campaign, calling for mobility to be maintained for musicians post-Brexit, or a two-year working visa

7 May 2019
The ISM publishes its fourth Brexit report: *Impact of Brexit on musicians*

12 December 2019
The Conservatives win the general election with an 80-seat majority

13 July 2016
Theresa May becomes Prime Minister

28 October 2016
The ISM submits evidence to the DCMS Select Committee inquiry on the impact of Brexit on the UK creative industries

12 July 2017
The ISM and a-n The Artists Information Company launch the campaign #FreeMoveCreate to protect freedom of movement for the creative industries

25 January 2018
The DCMS Select Committee publishes a report endorsing the principles of flexible travel for those working in the creative industries, which the ISM welcomes as 'excellent, timely and comprehensive'

12 July 2018
The government's EU White Paper praises the creative industries and recognises the importance of mobility

14 November 2018
The Withdrawal Agreement confirms the end of freedom of movement between the EU and UK. The ISM responds: '...the Government must ensure that free movement rights are maintained for musicians'

24 July 2019
Boris Johnson becomes Prime Minister

7 October 2018
The DCMS publishes no-deal touring advice for the arts industry. The ISM responds: 'A no-deal Brexit will make it impossible for many musicians to tour in the EU'

● Key music industry events ● Key political events

BREXIT: A TIMELINE 2016 – 2023



The ISM's Brexit reports

The ISM has been surveying the music sector and producing reports on the impact of Brexit since 2016.

Using our longitudinal data to track the impact over several years, it is clear that musicians were remarkably prescient about the consequences of the Brexit vote on the profession. Musicians warned that adding barriers to their closest and most important touring destination would be highly damaging to the sector.



Previous survey findings, 2016 – 2020

Musicians' concerns

Our first survey, held in October 2016 following the result of the referendum, looked at the potential impacts on musicians of leaving the EU. Participants were asked how beneficial or harmful they thought leaving the EU would be for the music profession.

Overall 83% of respondents thought leaving the EU would be either harmful or very harmful. Thematic analysis¹³ of respondents' concerns highlighted seven main themes around mobility, job opportunities, the economy, increased costs and red tape, and the impact on music students:

The majority of respondents were concerned about losing the ability to travel freely between EU countries for work. For many musicians the ability to work in Europe was vital in order to build and sustain a career and their responses highlighted the uncertainty facing the sector. They expressed concerns around both the ability to work and the potential loss of work as a result of Brexit; some musicians were already experiencing fewer offers.

'My career, and the careers of many of my colleagues, depends on being able to work freely in other EU countries.'

'Foreign promoters won't hire British based groups as it will be much more hassle for them...'

'As no-one yet knows what the terms of Brexit will be, uncertainty is breeding fear. Colleagues are either being released from work or not employed, as British citizens have an undetermined status.'



- Mobility
- Loss of work
- Economy
- Costs
- Higher Education
- Visas
- Ability to work

Respondents were acutely aware of the potential wider economic damage that Brexit could bring and how this would affect arts and culture. Increased personal costs were also a concern, based on experiences of working outside the EU. Many highlighted potential problems if visas were required in order to work in the EU.

'Economic damage will impact the music profession significantly because in times of hardship, the arts are viewed as an unnecessary luxury.'

'The cost of processing for visas for countries outside the EU is very expensive. If this happens within the EU for UK citizens, ensembles will find touring much more difficult.'

Concerns were also raised about the impact of Brexit on Higher Education. Collaboration, funding and recruitment were identified as areas most at risk.

'Music students will lack the opportunities and funding presently available.'

'The impact on the recruitment of students to conservatoires is another huge issue, not to mention the recruitment of staff from other countries who have international careers as performers and composers and work as visiting tutors.'

Just **11%** of respondents thought Brexit would be either beneficial or very beneficial, while **7%** took a neutral stance, believing that not much would change for musicians.

Non-EU experiences

In 2017 we were also interested in musicians' experiences of working in the rest of the world, including any difficulties which they did not experience when working in the EU.

Difficulties working in the rest of the world:



- Visa cost/red tape
- Tax
- Border control
- Insurances
- Carnets/CITES

The most frequently cited difficulty was visas: both the application process (including the need to surrender a passport) and the cost, followed by the transportation of instruments (including ATA Carnets and CITES regulations). Tax was also highlighted as a difficulty, both personal income and customs duties, and the need for health insurance. Finally, respondents mentioned difficulties experienced with officials at the border, even when all paperwork was in order.

Impact on professional work

In 2016 just under a fifth (**19%**) of respondents had already started to notice an impact on their professional work as a result of the UK's vote to leave the EU. Of those, **82%** stated that it was a negative impact.

By 2017 this had risen to a quarter (**26%**) of respondents noticing an impact on their work, of which **97%** reported a negative impact; in 2018 this had increased to **40%** of respondents noticing an impact on their work, of which **80%** reported a negative impact.

By 2019 **half** of respondents were noticing an impact on their professional work, of which **99%** stated that the impact was negative. The figures remained identical in 2020.

'Huge difficulties in obtaining visas whilst needing my passport to travel for other work.'

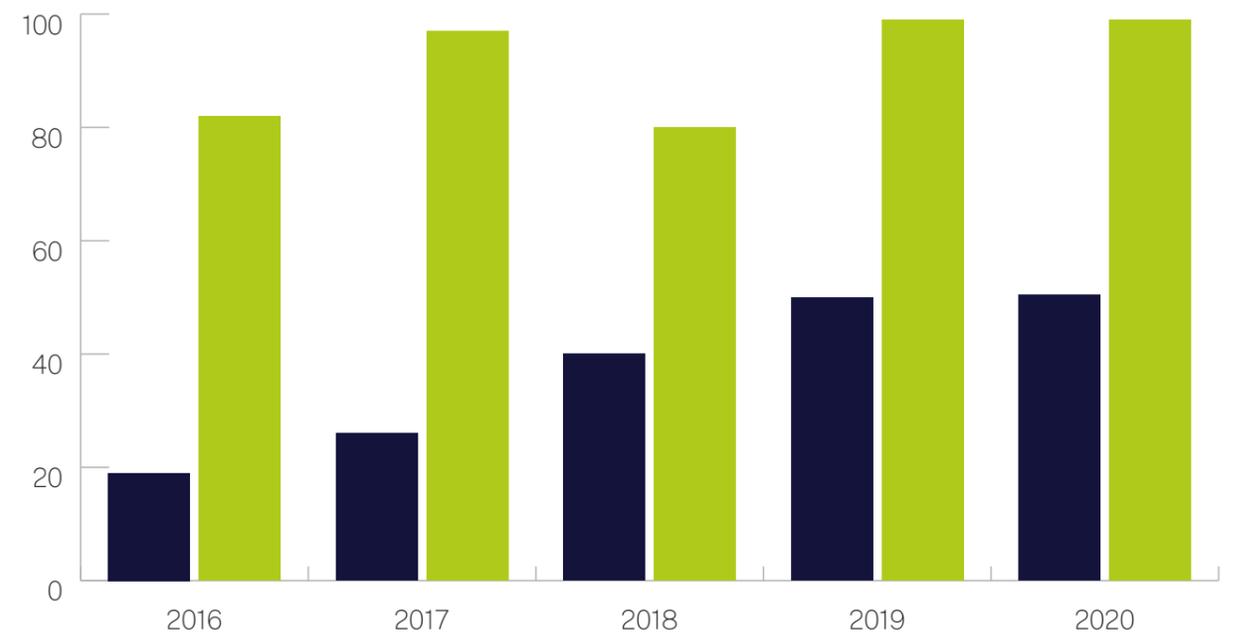
'Providing paperwork to travel with my violin and bow and having to declare them at customs.'

'Time-consuming tax forms to fill in and need to declare on tax return.'

'...payment issues relating to tax status in foreign countries.'

'Customs charge tax on merchandise on entry.'

Impact on professional work:



- % noticing an impact on their work
- % of which stated it was a negative impact

As a result of these findings, in 2019 and 2020 we asked respondents to outline what specific impacts they were experiencing.

In 2019 musicians reported they had experienced the following:

- Increased difficulty with EU bookings during the period since 2016
- Difficulty in securing future bookings
- An increase in travel costs
- Increasing difficulty and/or costs when importing instruments and materials
- Existing bookings cancelled or offers of work withdrawn (specifically citing Brexit as the reason)
- Difficulty in getting insurance

In 2020 respondents also experienced uncertainty regarding payment, including withholding tax and social security (see graph opposite).

In 2019 **62%** of respondents were very concerned about their future ability to work. This rose to **64%** in 2020. The number of respondents who were not at all concerned fell from **13%** to **8%** in the same period.

Those concerned about the transportation of instruments and equipment also increased, from **58%** of respondents in 2019 to **61%** in 2020. Here the main issues were regarding the cost of and delays caused by ATA Carnets, the cost of insurance for instruments and CITES requirements.

We did not conduct a survey of musicians in 2021 due to the ongoing travel restrictions of the COVID-19 pandemic. Instead, in March 2021 we collated a series of case studies alongside the Musicians' Union in our Professionally Paralyzed report,¹⁴ which contains personal testimonies from music professionals facing economic disaster due to Brexit. It includes 17 named case studies and eight anonymous stories that revealed how the new administrative and financial burdens were preventing UK musicians from touring as Europe began to reopen after the pandemic.

In May 2021 we surveyed tour operators, instrument manufacturers and retailers, plus those involved in recording, music publishing and the sale of music in order to examine the impact of the first hundred days of the trade deal on music businesses.¹⁵ We found that **94%** of businesses said the trade deal had had a negative or very negative impact on them, with **79%** of businesses being concerned or very concerned about the future over the next 12 to 24 months. Just **9%** of respondents said government guidance was adequate in helping to prepare their business for the new trade rules.

Respondents' specific concerns:

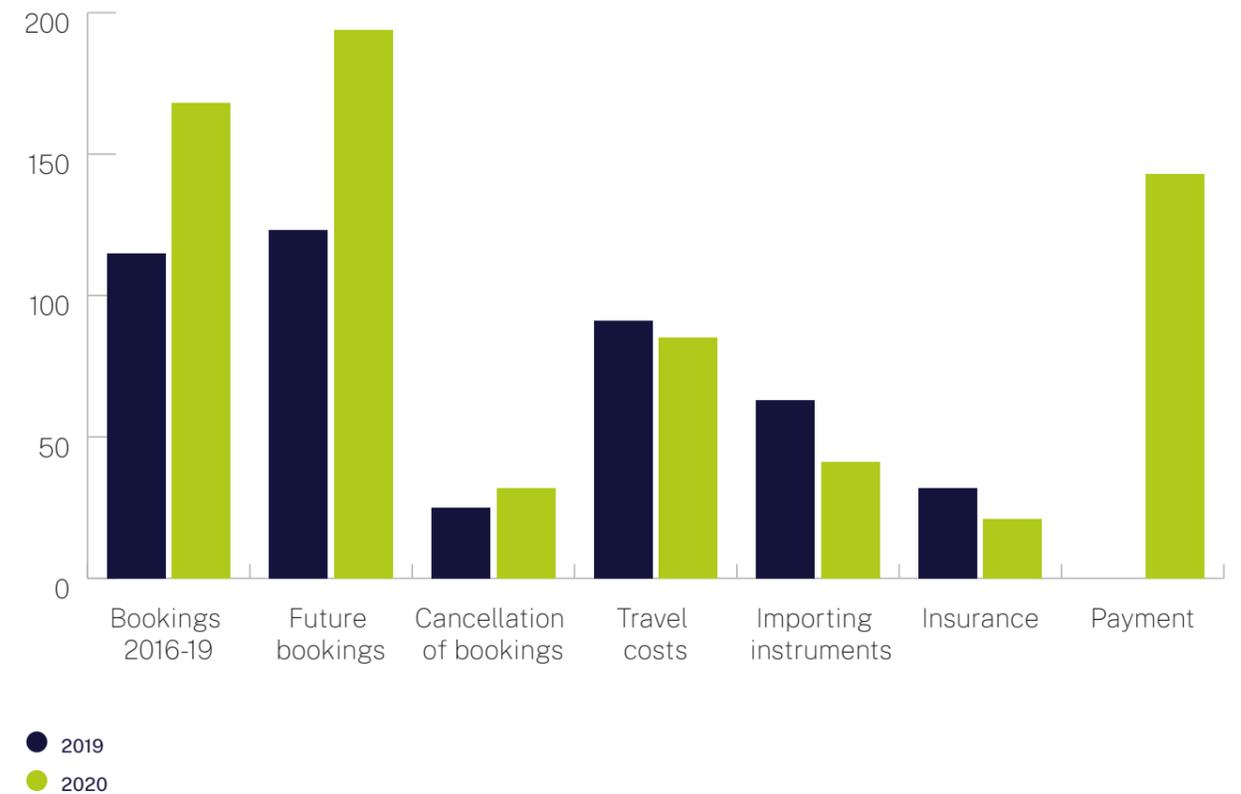


Image: Paul Philbert, Principal Timpani of Chineke! Orchestra and RSNO
Photo: Mark Allan, courtesy of Chineke!



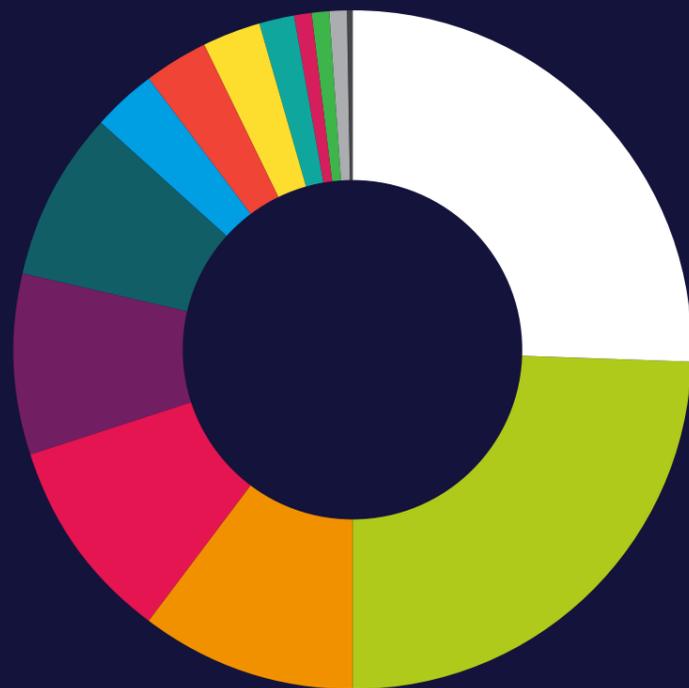
Current survey findings, 2021 – 2023

The ISM's latest survey, which closed in April 2023, asked about musicians' experiences of working in Europe since 1 January 2021. This was the date that the Trade and Cooperation Agreement (TCA) was provisionally applied, following its signature on 30 December 2020.

Participants were specifically asked to exclude any experiences that may have been affected by COVID-19 during this period due to the resulting variance in entry requirements and restrictions in place in most European countries.

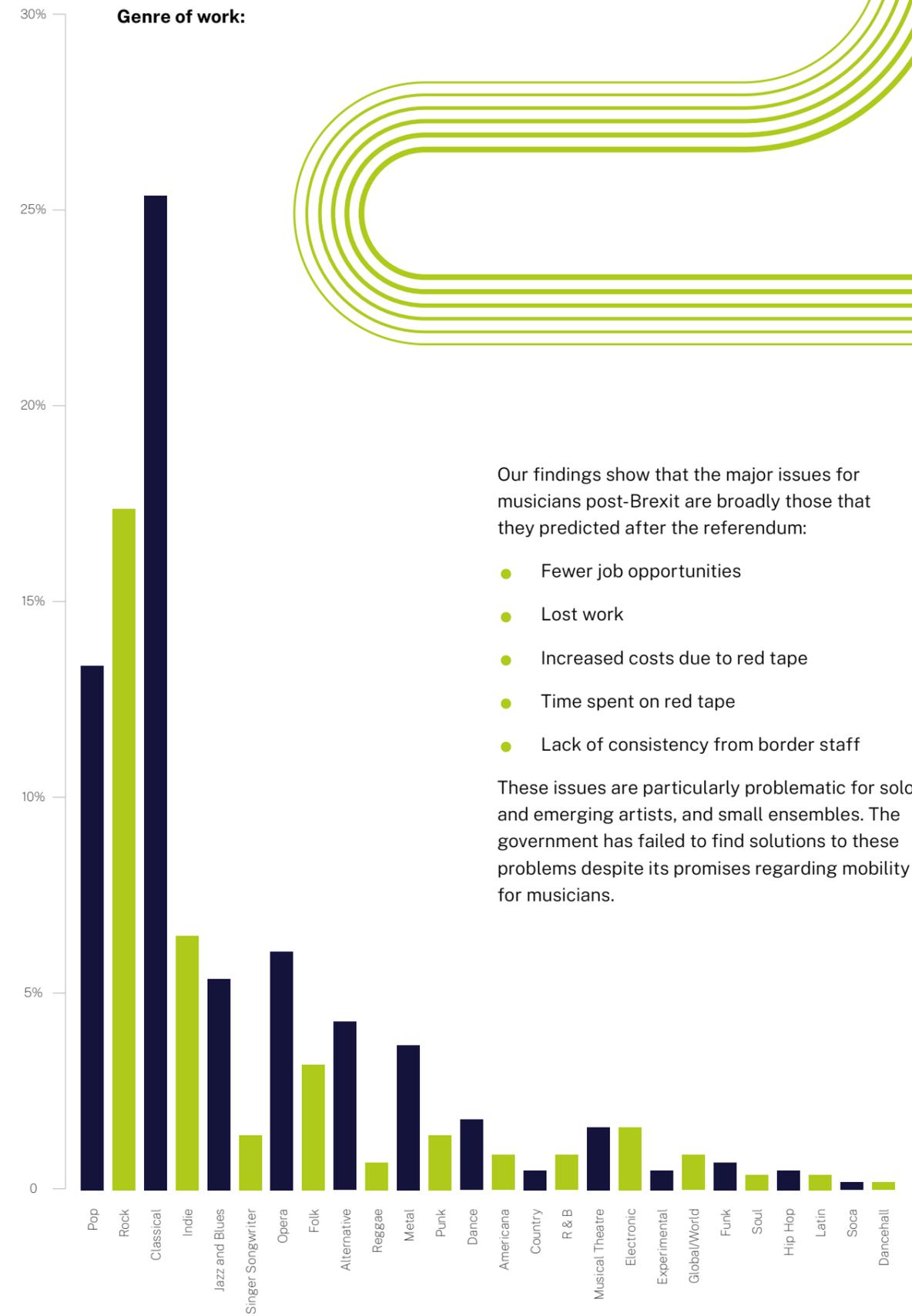
In total 408 respondents completed the survey, representing a wide range of roles and genres.

Area of work:



- Individual performer
- Group performer
- Music technician/sound engineer
- Other
- Teacher/professor/teaching staff
- Music agent/promoter/artist Manager
- Composer/arranger/songwriter
- Conductor/musical director/animateur
- Professional ensemble manager/staff
- Student
- Examiner/exam board staff
- Non-professional ensemble manager/staff
- Not currently working or studying (including retired)
- Music publisher

Genre of work:



Our findings show that the major issues for musicians post-Brexit are broadly those that they predicted after the referendum:

- Fewer job opportunities
- Lost work
- Increased costs due to red tape
- Time spent on red tape
- Lack of consistency from border staff

These issues are particularly problematic for solo and emerging artists, and small ensembles. The government has failed to find solutions to these problems despite its promises regarding mobility for musicians.

How has working in the EU changed since 1 January 2021?

Visas and work permits

Since the UK's exit from the EU, Member States can choose to treat UK musicians as 'visa nationals' when entering the country for paid work and require a visa or work permit, or both.

The Schengen visa waiver allows short visits to the EU, as follows:

- UK nationals may spend up to 90 days in a period of 180 days in most EU countries plus the EEA states Iceland, Liechtenstein, Norway and Switzerland
- It applies to holiday makers, but several EU Member States also allow UK nationals to work for up to 90 days in a period of 180 without requiring a visa
- Every day spent in the area counts towards the 90 days; once this limit is reached you cannot return until 90 more days have passed without a visa
- Unless you are remaining in just one EU country, there is no visa that will allow you to stay for more than 90 days in 180
- Those outstaying the 90 days risk being fined, deported or even banned from entering the entire Schengen area

Nine Member States restrict UK nationals to less than 30 days of visa-free work (sometimes much less) and two (Cyprus and Malta) offer no visa-free work at all.

Some states also require work permits, proof of earnings, a criminal-record check or other paperwork.

Thematic analysis revealed five clear themes in the responses:

- Fewer work opportunities
- No offers of work at all
- Increased costs
- Increased red tape
- Issues around the 90 days in 180-day period Schengen restriction.

A small number of respondents had not experienced any change.

The chart below broadly shows the distribution of these responses.

How has working in the EU changed?:



- Less work
- Increased red tape
- No work
- Increased costs
- No change
- 90/180 days restriction

Respondents reported diminishing opportunities and, in some cases, complete exclusion from the EU job market. It is not unusual to see auditions advertised for EU citizens only or for those already holding work or residence permits for EU countries.

Almost half (**47.4%**) of the respondents in the current survey said that they had less work in the EU after January 2021 than they did before Brexit. Over a quarter (**27.8%**) said that they had none at all. Some had left the industry altogether.

47.4%
OF RESPONDENTS SAID THAT THEY HAD LESS WORK IN THE EU THAN THEY DID BEFORE BREXIT

'It's been impossible to be heard/ audition in European opera houses since the 1st January 2021. European opera companies are reluctant to audition UK singers since the changes.'

'Having previously taught regularly on many courses all over Europe, since Brexit I have not been invited to teach anywhere.'

'Work has come to a halt... The offer of European gigs simply dried up completely... my band simply can't make any kind of living in the tiny UK market, so we basically have folded as a working band.'

'I am unable to work. I was let go of my ensemble and now cannot find sufficient work to continue as a freelancer in the industry.'

Just under a fifth (**19.5%**) of respondents had had about the same amount of work and only **5.3%** had seen an increase.

'Initially very little, but now up to previous levels. Have to watch the 90 days, but my European work is interspersed with North America and Japanese tours.'

Musicians also reported on the additional layers of bureaucracy and expense that are impacting the viability of working in the EU.

'Our costs have increased by a third, which was usually around how much [profit] we made from touring, so disaster really.'

'Very few of the bands I work for can afford to tour Europe now.'

'The larger artists I work for can absorb the extra cost of the red tape, but smaller ones won't tour there now.'

'A real headache. Carnets dramatically increase the time it takes to cross the border, no one on the border really knows what's going on, the carnet is an unnecessary expense. And filing for an A1 tax form is convoluted and timely, and delays result in the withholding of fees.'

Even in EU countries where no visa or work permit is required, there are still new restrictions on the total number of days that someone can spend in the EU due to the Schengen visa waiver. This limit of 90 days in 180 days has impacted the amount of work which individuals can take on, effectively halving the number of days available and confining both work and leisure travel.

'...many of my clients and colleagues have fallen foul of the 90 in 180-day travel restrictions. Some have lost out on tens of thousands of pounds in work as a result...'

'...counting days, having to decide whether it is possible to take work, visit family or even go on holiday in EU...tough choices. Having to pay to come back between performances, sometimes for 24 hours to "save" days.'

'I reached my 90-day limit before the end of a European tour and lost 10 days' work.'

A few respondents had been able to work relatively unaffected.

'In most EU countries, where reciprocal agreements have been put in place, it has changed very little or not at all.'

Lost income

Over a third (39%) of respondents had had to turn down work since 1 January 2021. Some of the reasons given included exceeding the 90-in-180-days rule and not being able to do last minute jump-ins. The amount of lost income ranged from **£500 to £450,000** with a mean of **£43,175** and median of **£10,000**.

A similar number (40%) had had work cancelled in the same period. This represented lost income ranging from **£800 to £100,000** with a mean of **£11,545** and median of **£5,000**. Work had predominantly been cancelled by promoters and venues.

Who cancelled?:



- Promoter
- Venue
- Artist
- Producer
- Artist manager
- Booker
- EU arts organisation

Others (17%) reported that they had been refused an audition resulting in lost work (both salaried and freelance contracts) ranging from **£3,000 to £40,000** (mean **£22,245**; median **£20,000**).

Lastly, 2% had had EU grants revoked, with one respondent reporting they had lost **£10,000** as a result.

Additional costs

Increased costs as a result of Brexit were reported by many respondents.



- Visas
- Carnets
- None
- Travel
- Merchandise
- Exchange rate
- Tax
- Insurance
- Hire costs
- Roaming charges

The most frequently cited expense was for visas and work permits (23%), followed by carnets (18%) and travel costs (14%). This included the price of fuel, hire costs for rental vehicles, the need to travel back and forth to the UK to save days, the price of flights and additional travel to embassies to secure visas.

'Extra costs for work permits in certain countries, including travel to embassies when required, and time and emotional energy it takes to fill out visa/work permit forms.'

'UK Police certificates, visa costs (direct), visa costs (indirect – agency fees when unable to navigate myself).'

'An extra day of travel is required to go in and out of the EU to give enough time for visits to inland border facilities. Delays could be one hour or four hours or longer. This means the vehicle has to leave a day early for an EU tour, adding an extra day of van hire, extra day of backline hire, extra day of wages for all crew and extra day of wages for all musicians. The same applies on the way back...'

'Having to fly home between performances at my expense to save days.'

40% HAVE HAD WORK CANCELLED SINCE JANUARY 2021, WITH LOST INCOME OF **£800 – £100,000**

Merchandise costs mostly included additional customs duties, but some respondents mentioned that they either no longer take merchandise to sell in the EU, resulting in a loss of income, or the limits placed on the amount which can be taken has reduced the additional income it generated.

'Paying VAT on merch – we don't take any abroad anymore.'

'...loss of merchandise income.'

Issues surrounding tax, a weak pound and extra insurance costs were also raised, including vehicle and health insurance. Equipment, instrument and personnel hire and roaming charges for mobile phones were also mentioned as additional costs.

'...unknown amounts of tax deducted at source.'

'Spanish tax is now 24% for UK residents/businesses instead of 19%.'

'I lose about £100 for every €500 I earn. I'm not sure if the exchange rates have changed due to Brexit, but it feels like it has worsened in the past year.'

'Increased premiums for all forms of insurance when EU coverage is required...'

'...decreased mobile phone data roaming allowances and charges applied in countries which used to have no extra charge...'

Just under a fifth (17%) of respondents had not faced any additional costs when working in the EU. This could be for a variety of reasons such as not requiring a visa, travelling with portable instruments (and therefore not requiring a carnet) and not transporting merchandise.

Visas and work permits

We asked respondents to share their experiences of applying for and using visas, work permits or both since 1 January 2021. The chart below broadly shows the distribution of responses.

Issues around visas and/or work permits:



Thematic analysis showed the main issue is financial, with the costs of visas and work permits not just limited to the application fee. Often there are additional costs such as duplicate or notarised documents and police checks, as well as the costs associated with travelling to embassies and consulates as part of the application process. The additional time spent on this paperwork emerged as another theme, as well as the time spent waiting to receive a decision.

'No sharing of police records with the EU, so a requirement to get police certificates for individual countries that one visits in their language. Cost: £95 per physical document...'

'...had to travel to London and give a whole morning over to the visa appointment. Paperwork included bank statements, statement from a financial professional saying I had work to return to UK for, evidence I was able to support myself, evidence of health insurance... Cost: £116.'

Issues surrounding passports (the length of time for passport renewal; having to be without a passport for the length of time it took to issue the visa; having to hold a second passport) and negative experiences at the border were also identified.

'Had to give up passport for a fortnight...'

'I had to apply for a second passport to tour in 2022... I'm currently in the process of applying for an Irish passport just to try and get around all the red tape and issues not being in the EU has caused for me both workwise and personally.'

'Many countries in Europe just don't know what paperwork you need when you ask, until you get to their customs and they refuse or query since they are all uncertain. It's become even more of a lottery who you get.'

A small number of respondents had not faced any issues when applying for a visa or work permit. Many had not been personally responsible for applying for their own visas or work permits. In these cases, the role often fell to management, promoters or bookers.

'So far the red tape has multiplied, but we have management, local promoters and travel agents who take care of it...'

'As a Tour Manager, I have avoided any work that has required visas or work permits. I have given that job to the booking agents and their network of EU-based promoters to deal with.'

Some respondents had risked entering the EU as tourists to avoid the red tape altogether.

'Have committed to "flying under the radar" and travelling as a tourist. Borrowing equipment, being sneaky with money etc.'

'...I've heard of more and more artists who are now taking the risk of touring illegally (eg travelling separately without instruments and then borrowing gear in Europe).'

Carnets

A small number of respondents (18%) shared their experiences of ATA Carnets, from which three main themes emerged: cost, time and lack of knowledge from border staff. While carnets are used all over the world, they were not needed by UK artists for temporary export to the EU prior to 1 January 2021. Carnets can be expensive, especially for small ensembles and solo artists who have limited resources.

ATA Carnets

An ATA Carnet is an international customs document for goods (eg a non-portable instrument or other creative equipment) that are temporarily being moved between countries and are not for sale.

- A carnet is valid for one year and can be used multiple times, in multiple countries
- The cost of a carnet in the UK is significant: up to £390 plus a security deposit of 30-40% of the value of the goods/equipment listed. By contrast, some EU governments subsidise the cost of the deposit significantly
- A carnet needs to be presented and stamped when entering the first EU Member State and again on exiting the EU
- Portable instruments do not need a carnet if they are carried with the owner in personal baggage or a vehicle such as a splitter van
- Accessories essential to the playing of an instrument, such as amps and pedalboards, are included in the exemption, provided they are carried with the associated instruments by the traveller

As well as the time required to complete the carnet forms, respondents reported lengthy delays at borders, wasted time trying to locate the correct offices, unstaffed offices and additional travel days. One likened their experience at the border to 'interrogation' and described feeling threatened with the loss of their instruments if they were found to have made a genuine mistake on the paperwork. Another described how border officials did not believe they were only travelling by car and had instead 'hidden' a goods vehicle elsewhere.

'...The whole process feels like a giant waste of time compared to before. Getting everyone in the band to itemise every last cable and dig around for serial numbers and country of manufacture is excessive. Furthermore, fees are hard to negotiate as it is without having to add on an extra £350 for a carnet.'

'...We can never book a gig on a carnet day, we have to keep it purely a travel day just in case we encounter any problems at any of the customs (Douane) offices. Because of this we have to pay extra wages to crew and extra nights in hotel rooms that we never had to do before.'

'...We've had to rely on the goodwill of customs officers, many of whom understand the carnets even less than we do...'

'There is no place to get [a carnet] stamped at the train station in central Amsterdam so I spent ages on calls to find out how to get it stamped and had to do a 3-hour round trip to the carnet office at Amsterdam airport.'

CITES and musical instruments

Musical Instrument Certificates

Many musicians perform with instruments that were made when the use of materials such as ivory and tortoiseshell was legal.

Since 1975, CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) regulations have applied to international trade in CITES-listed species, including non-commercial movements. A Musical Instrument Certificate (MIC) is required for musicians travelling internationally with an instrument containing a CITES-restricted species, although regulations do not apply when crossing borders within the EU.

- Following Brexit, a MIC is now required when entering the EU from the UK with an applicable musical instrument
- MIC applications are currently free and the permit is valid for three years; however, a fee may be introduced by the Department for Environment, Food and Rural Affairs (DEFRA) in 2024
- It can take up to 30 days for the Animal and Plant Health Agency (APHA) to process a MIC application, which can prevent musicians from taking up last-minute bookings

- Musicians with individual MICs who wish to take their instrument on an orchestra tour must first cancel the individual MIC before the orchestra can add the instrument to their CITES documentation
- Musicians travelling with a MIC have reported problems in finding a CITES official to endorse their paperwork. This causes delays that can be highly detrimental to musicians' tour schedules
- The holder of a MIC must travel through a CITES-designated Point of Entry and Exit (PoE) to allow a CITES official to endorse the certificate both when leaving the UK and when arriving in the EU (and vice versa). Currently, the UK's designated PoEs are only airports and ports, excluding Eurostar



Currently, musicians with a MIC cannot use Eurostar, as St Pancras is not a CITES-designated Point of Entry and Exit (PoE). The ISM and other music organisations have worked extensively with officials from DEFRA to demonstrate the importance of the Eurostar route to musicians. A joint ISM, Musicians' Union and Association of British Orchestras survey of musicians in 2021 found that **47%** had stopped using Eurostar for work following Brexit because it is not a designated port, with **42%** reporting that they had lost work as a result. Eurostar was a popular choice for musicians who, for example, had experienced difficulties travelling with instruments on planes. Others wished to travel by train for environmental reasons, rather than being forced into using less green options.

Overall, **100%** of respondents to the survey said they were more likely to use Eurostar if it became a CITES PoE. However, in late 2022 Border Force refused our request to make St Pancras a PoE. In May 2023 they elaborated on their decision:

'St Pancras terminal is not suitable for CITES PoE designation. St Pancras does not have the necessary space and infrastructure to allow for the introduction of the required CITES checks, and the anticipated introduction of the EU Entry/Exit System (EES) at Eurostar terminals (including St Pancras) will place greater pressure on the existing resources and space.'

Only **5%** of respondents in the current survey had applied for and travelled with MICs and the majority of those had travelled by air either from Heathrow or Stansted airports with a small number travelling from Dover. No specific experiences, either positive or negative, were shared. However, the ISM has received anecdotal reports that musicians, including entire orchestras, are deciding not to travel with items that require a MIC to avoid the additional red tape and to reduce the time spent going through customs.

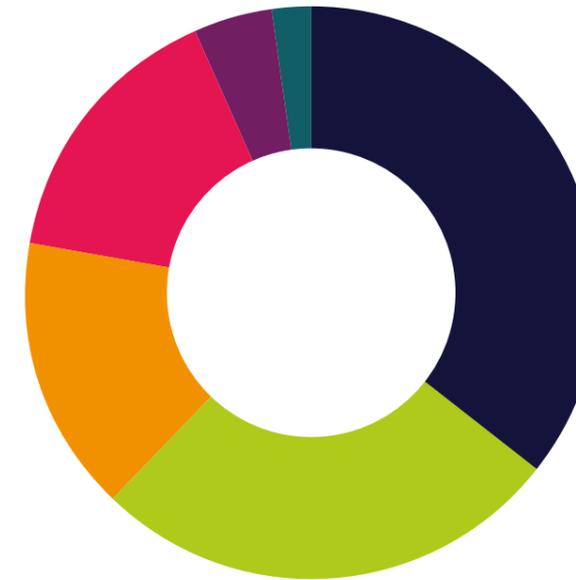
Transport and cabotage

Cabotage regulations

Under EU cabotage regulations, UK hauliers over 3.5 tonnes operating in the EU are restricted to three internal movements. This is extremely difficult for touring musicians and groups, who often visit multiple countries over a period of several weeks.

- In May 2022 the Department for Transport introduced dual registration for hauliers, which enables them to switch vehicles between GB and EU O-licences
- Dual registration does not provide a solution for orchestras and other ensembles. Many of these use their own purpose-built vehicles and drivers for tours (operating on 'own account'). Under the European Commission's Regulation 1072/2009, operating on 'own account' is exempt from cabotage restrictions, but this exemption was not included in the TCA
- Dual registration does not enable orchestras to operate on 'own account'. It requires the operator to open premises in the EU and 'have at its disposal on an ongoing basis, a number of vehicles and drivers' – not a realistic option for an orchestra or group with a single touring vehicle
- This results in wasted public investment (for example, the City of Birmingham Symphony Orchestra's lorry was purchased thanks to investment from the Arts Council). It also prevents ensembles from employing their own drivers to act as stage managers for tours, again increasing their costs

Just over a fifth of respondents (**23%**) had travelled by road to the EU and shared their experiences of different modes of transport.



● Splitter van ● Van
● Car ● Truck
● Tour bus ● Minibus

The responses highlighted the inconsistencies across borders and how different rules are being applied, or not applied at all. Most of those who had travelled by car or splitter van encountered no issues, although one respondent had experienced issues when trying to hire a vehicle.

'We hired a splitter [van], though many companies we approached flat-out refused to hire vans for European travel.'

Some of those respondents had travelled with carnets and many expressed frustration over the delays the carnet caused at borders (particularly the UK inland border), or the fact that sometimes the carnet wasn't checked at all.

'I have had delays of up to 4 hours at the inland border facility waiting to get the carnet stamped and returned but no checks on the vehicle itself. By comparison, the carnet took less than ten minutes to be stamped and returned in Calais...'

'Every item in the car had to be listed and a nominal cost assigned to each item. It was very time consuming. But the rules at every port were different. Some scoured your vehicle, others didn't care less.'

Respondents had not experienced specific issues with cabotage, either because their trip fell within the rules or because they no longer used their own truck or UK trucking companies.

'The cabotage rules mean that it's not feasible to use UK trucking companies. Or vans. This has meant having to hire equipment in the EU and use EU trucking companies to transport it. This has meant UK companies missing out on much-needed income.'

'The orchestra's truck has had to stay at home while we use an EU-registered company.'

Merchandise

Merchandise regulations

Selling merchandise such as t-shirts on tour is an important revenue stream for musicians. Since Brexit, UK musicians taking merchandise to sell in the EU must make either a full export declaration, a simple online declaration or a 'declaration by conduct'. Import duty and tax must be paid on the value of the merchandise.

- A full export declaration is necessary for merchandise goods worth over £1,500 and a standard electronic customs declaration must be submitted to HMRC
- For goods worth less than £1,500, you can make an oral declaration to a Border Force Officer at the port or complete the HMRC online declaration service
- Although it is possible to take £1,500 worth of merchandise out of the UK without the need to declare it ('by conduct'), the limit on entry to the EU is only €1,000 and it must still be declared

Just under **10%** of respondents had taken merchandise to sell in the EU since January 2021. Again, experiences were mixed and the conflicting rules confusing.

Responses broadly fell into three categories: those following the rules, with some taking a financial hit as a result; those risking taking merchandise in their luggage; and those getting merchandise made in the EU.

'All duty and VAT paid on entry. Some items manufactured in Europe and remain there after the tour. We have a European mail-order service to avoid crossing borders.'

'We took our chances and hid a small number of merch (I know). The reality of having to declare it, plus all the ridiculous red tape means the costs involved make it unviable, but it's the catch-22 of needing to rely on merch to make the gigs affordable...'

'We took small items of merch in our bags undeclared, and had our t-shirts printed on the mainland, which takes away business from UK printers.'

Support for the ISM's recommendations

The survey asked respondents if they supported the asks of the ISM's open letter to the then-Prime Minister, Boris Johnson, in April 2021, which was signed by over 300 organisations across the creative industries. The asks were as follows:

- Negotiate a UK-EU Visa Waiver Agreement that would allow musicians and support staff to work in the EU for up to 90 days in a 180-day period (**97%**)
- Secure exemptions with individual EU Member States that don't currently offer 90-day exemptions for visas or work permits (**96%**)
- Work with the EU to secure a cultural exemption from the current cabotage restrictions for UK haulage vehicles operating in the EU (**97%**)
- Make Eurostar a designated CITES port so that musicians with instruments containing protected species can use this route to travel to the EU (**96%**)
- Ensure Musical Instrument Certificates (MICs) remain free (**98%**)
- Create an exemption to the cost of an ATA Carnet for unaccompanied, non-portable musical instruments and equipment (**96%**)

(On average **97%** of respondents agreed with all six asks)



Conclusion

The UK's music industry is a crucial contributor to the country's global standing and economy. Despite repeated warnings from across the industry, the absence of protections for the creative sector in the Trade and Cooperation Agreement after Brexit has harmed these important industries.

As this report reveals, the combined impact of lost work opportunities, the lack of visa-free travel, additional costs and time spent dealing with red tape, and inconsistency at borders have made it difficult for UK musicians and their crews, as well as other creative industry professionals in dance, theatre and visual arts to tour and perform in EU countries.

These problems are of the government's own making. Since 2021 the government's repeated mantra to make Brexit work for the creative sector has not happened because of its own inaction.

Musicians and the rest of the creative sector have been left to tackle the huge obstacles that Brexit has created should they wish to work or tour in Europe. Working or touring in Europe is important for at least three reasons:

- Many creatives grow their career by working in Europe, as stars such as Sir Elton John and Dame Sarah Connolly have attested
- Creatives touring in Europe help to enhance the UK's soft power
- Touring in Europe delivers important revenue to the UK government

It is time for the government to take responsibility for its role in damaging the music and creative industries and take the steps which are well known to them to make Brexit work.

Recommendations

Based on the findings of this report, the ISM makes the following recommendations to government:

1 Negotiate a bespoke Visa Waiver Agreement (VWA) with the EU that allows UK artists and their support staff to work in any part of the EU for up to 90 days in a period of 180 days

2 Negotiate bilateral agreements for work permits with individual EU Member States which do not currently offer cultural exemptions for work of up to 90 days

3 Unilaterally reduce the cost of the ATA Carnet for cultural goods and work towards a cultural exemption for musical instruments and equipment

4 Negotiate a cabotage exemption for the creative industries with the EU

5 Make Eurostar St Pancras a CITES designated Point of Entry or Exit, digitise Musical Instrument Certificate applications and keep them free

6 Streamline merchandise paperwork applications and provide clear guidance for musicians

7 Raise the issue of the 90 in 180-day limit with the EU and seek a reciprocal arrangement similar to the UK's Creative Worker (Temporary Work) visa

'WORK HAS COME TO A HALT. THE OFFER OF EUROPEAN GIGS SIMPLY DRIED UP COMPLETELY...'

Endnotes

^[1] Department for Business and Trade (2023) *Welcome to the Creative Industries Faculty* <https://www.events.great.gov.uk/website/6264/creative-industries-ea/#:~:text=They%20generated%20%C2%A3116%20billion,Bush%20and%20Stormzy%20to%20Dr.>

^[2] Hansard (2022, November 22) *Supporting UK Artists and Culture* [Hansard]. (Vol. 723) <https://hansard.parliament.uk/Commons/2022-11-22/debates/8E1B92CA-F6A9-4F83-8419-12462A73DDF5/SupportingUKArtistsAndCulture>

^[3] Hansard (2020, September 10) *Music Industry* [Hansard] (Vol. 805) <https://hansard.parliament.uk/Lords/2020-09-10/debates/3FC31E18-9148-48ED-A724-D662D138070A/MusicIndustry>

^[4] Hansard (2020, October 21) *EU: Visa-free Short-term Travel Mobility* [Hansard] (Vol. 806) <https://hansard.parliament.uk/Lords/2020-10-21/debates/CD88CE4B-0B80-4CE0-A41D-E37D263F31BF/EUVisa-FreeShort-TermTravelMobility>

^[5] World Trade Organisation *Movement of Natural persons* (mode 4) https://www.wto.org/english/tratop_e/serv_e/movement_persons_e/movement_persons_e.htm

^[6] Independent Society of Musicians (2021) *Visas and work permit in Europe: A digital guide for UK musicians* <https://www.ism.org/visa-guide-europe>

^[7] House of Commons Liaison Committee (2021) *Oral evidence: Evidence from the Prime Minister, HC 1285* <https://committees.parliament.uk/oralevidence/1995/default/>

^[8] European Parliament Liaison Office in the United Kingdom (2021) *Webinar “UK/EU future relationship - Challenges for the cultural sector”* <https://www.europarl.europa.eu/unitedkingdom/en/eventsandexhibitions/past-events/european-parliament-events-2021/challengesculturalsector.html>

^[9] Department for Digital, Culture, Media and Sport (2021) *Visa-free short term touring allowed in 20 member states* <https://www.gov.uk/government/news/visa-free-short-term-touring-allowed-in-20-member-states>

^[10] Frost, D. (2022, March 15) *Churchill Lecture: ‘What is seen and what is not seen: the UK, Europe, and beyond’* https://www.briefingsforbritain.co.uk/wp-content/uploads/2022/03/Frost_Zurich_speech_2.pdf

^[11] European Affairs Committee (2022) *Corrected oral evidence: The future UK-EU relationship* <https://committees.parliament.uk/oralevidence/10928/pdf/>

^[12] Department for Digital, Culture, Media and Sport (2022) *Promoting Britain abroad: Second Report of Session 2022-23* <https://publications.parliament.uk/pa/cm5803/cmselect/cmcmds/156/report.html>

^[13] Braun, V. and Clarke, V. (2006) Using thematic analysis in psychology *Qualitative Research in Psychology* 3 77-101

^[14] Independent Society of Musicians and The Musicians' Union (2021) *Professionally paralysed: Testimonies from musicians on the immediate impact of Brexit* <https://www.ism.org/images/files/Professionally-paralysed-report-2021.pdf>

^[15] Independent Society of Musicians (2021) *Music businesses under threat: The first 100 days of the Brexit Trade Deal* <https://www.ism.org/images/files/The-impact-of-the-Brexit-Trade-deal-on-music-businesses-FINAL-May-2021.pdf>

About the ISM

The Independent Society of Musicians (ISM) is the UK's largest non-union representative body for musicians. Founded in 1882 to protect the interests of all musicians, the ISM today supports over 11,000 members across the UK and Ireland with unrivalled services and expert advice. We are a financially independent, not-for-profit organisation with no political affiliation. This independence allows us the freedom to campaign on any issue affecting musicians. Our six detailed Brexit reports provide essential data about the impact of Brexit on the music sector from 2016 to the present. In 2021 the ISM was named Individual Member Association of the Year at the UK Association Awards.

Chief Executive: Deborah Annetts

Independent Society of Musicians,
4-5 Inverness Mews, London W2 3JQ.

membership@ism.org
020 7221 3499

