

CEU 13

Senedd Cymru | Welsh Parliament

Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol | Culture, Communications, Welsh Language, Sport, and International Relations Committee

Diwylliant a'r berthynas newydd â'r UE | Culture and the new relationship with the EU

Ymateb gan: Equity | Evidence from: Equity

Equity welcomes the opportunity afforded by the committee to respond to this inquiry.

This submission has been prepared by Equity, the leading trade union and representative stakeholder for performers and creative practitioners in the entertainment industry. We represent over 47,000 performers and creative practitioners across the UK including actors, directors, designers, choreographers, dancers, singers, entertainers, comedians, stage management and audio artists. Our members work on stage, on TV sets, on the catwalk, in film studios, in recording studios, in night clubs, in pubs, in community settings and in circus tents.

In Wales Equity represents almost 1,700 creative workers across the sector, and through its democratic structure provides the industry body for the creative worker and its collective voice.

Following the UK's departure from the EU, our members no longer enjoy the freedom to tour and work seamlessly across the EU. The absence of explicit provisions in the UK-EU Trade and Cooperation Agreement (TCA) necessitates UK performers to adhere to regulations in each of the 27 EU Member States, which often vary. To illustrate, a UK performer must obtain a work permit to perform in Croatia, whereas no such requirement exists in France for participation in cultural events lasting less than 90 days.

The transportation of tour equipment, including musical instruments, props, and stage lighting, must align with the customs regulations outlined in the TCA. The movement of such goods may be subject to restrictions on road haulage as stipulated by the agreement.

As a consequence of exiting the EU Customs Union and the single market for services, UK touring artists are confronted with increased administrative obligations and associated costs.

What our members tell us

- 43% of Equity members report that Brexit has negatively affected their confidence in being able to find work in the arts and entertainment industry
- 31% have seen job advertisements and/or casting breakdowns asking for EU passport holders only to apply, with this number rising since the end of the pandemic restrictions on travel.
- 14% have been asked by their agent to confirm if they are an EU passport holder for the purpose of finding work.

In 2021, Equity, along with various unions, industry bodies, and MPs spanning the political spectrum, urged the UK Government to address the post-Brexit challenges. The ongoing inability of the UK Government to resolve issues faced by members working in the EU, coupled with misleading statements on progress, prompted this call.

Responding to sector requests, in August 2021, the UK Government announced that nineteen EU member states would allow visa and work permit-free short-term touring work, expanding on previous visa provisions. However, ambiguity surrounded the permission to work, with Culture Secretary Oliver Dowden's mention of work permits.

The latest update indicates that 24 out of 27 EU Member States now offer some easements for touring, including Spain. While EU artists face new administrative requirements in the UK, the asymmetrical impact of touring arrangements is evident, with UK artists encountering more challenges due to differing immigration rules.

Despite the positive trajectory in the UK-EU relationship since the Windsor Framework in February 2023, the House of Lords European Affairs Committee expressed disappointment in the lack of progress for creative professionals. In response, the UK Government claimed engagement with EU member states on bilateral terms, confirming no need for visas or work permits for short-term touring in most member states.

However, challenges persist, highlighted by the 90/180 day rule affecting UK citizens looking to work in the Schengen area. The story of Sir Bryn Terfel in January 2022 illustrates these obstacles, emphasizing restrictions on viable contracts, extra journeys, and added bureaucracy for UK workers.

<https://nation.cymru/culture/post-brex-it-rules-force-bryn-terfel-into-mad-visa-dash-for-vienna-opera-performance/>

To explain, even when working on shorter contracts and/or in countries where a visa is not required, the 90/180 day rule can mean a restriction on how many of these contracts are viable within a given period, and/or necessitate extra journeys to keep within the allowed limits or to renew visas. It can also cause difficulties in traveling for holidays or visiting family for those who work in Europe on a regular basis. Even when interpreted and dealt with correctly by all parties, it presents an additional cause of bureaucracy and expense for UK workers, and in particular contributes significantly to the barriers facing those workers with the least financial resources.

The Big Freelancers Report 2023 reveals that 77.9% of respondents see Brexit as a source of uncertainty
<https://freelancersmakeheatrework.com/wp-content/uploads/2023/06/FMTW-Big-Freelancers-Report-2023.pdf>

The difficulty with the UK Governments position and claim that this is some sort of positive move, is their reference to “some short-term touring” as opposed to the position prior to Brexit of unincumbered touring without the need for any visa or restriction. The narrative of the mobility of workers is not a priority as freedom of movement is at odds with the UK Governments narrative about immigration, but we simply do not accept that they either have or are moving “at pace” to seek a resolution.

There have been a numerous continued calls for action, including from their own chief negotiator Lord Frost giving evidence on two occasions that:

“...we should take another look at mobility issues.” Churchill Lecture, Zurich March 2022

“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..”
Evidence to European Affairs Committee October 2022

The DCMS Select Committee's Report *Promoting Britain Abroad* published in October 2022 called for a negotiation of a similar waiver, stating that:

The [UK] Government's strategy of agreeing bilateral agreements with EU member states for performers touring the EU is failing to address the industry's needs. The [UK] 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, referenced above, and the UK Trade & Business Commission calling for UK Government action to resolve the barriers to touring created by the TCA.

Despite all this, very little has changed for the creative industries since the UK left the EU. The barriers to work remain and the fact that the UK Government has time and time again chosen not to act on the issues facing such an economically important sector in the UK, and most importantly in Wales, is quite simply disgraceful.

With a General Election approaching, Equity urges the next UK government to urgently resolve issues for creative practitioners touring in Europe. This includes introducing 'arts exemption' provisions in the UK-EU Trade and Cooperation Agreement. Additionally, Equity calls for a roadmap to reach the European average of spending 0.5% of GDP on the arts and entertainment industry, compensating for the £170m lost in European cultural funding post-Brexit. This could result in an additional £6bn in UK spending on the creative sector, with the request for the Welsh Government to pass on the subsequent Barnett consequential to support the arts in Wales through Arts Council of Wales and Creative Wales.

Equity would be more than willing to give further oral evidence to expand on any of the above should the opportunity arise during your inquiry.

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27th October 2023