

## Touring in the EU

### Post-Brexit Barriers for Musicians, Artists and Crew

#### Executive Summary.

The Musicians' Union (MU) represents over 35,000 musicians working in all sectors and genres of music. As well as negotiating on behalf of its members with all the major employers and engagers in the industry, the MU runs major campaigns on behalf of musicians and also offers a range of services and benefits.

#### Political Context

In its manifesto, the Labour Party committed to improving trade relations with the EU and, in particular, to assist touring artists. In their National Policy Forum document, they pledged to **“push for an EU visa waiver for UK touring artists and the reduction of other administrative burdens.”**

Pre-existing research and reports (MU and third-party including APPG's *Let The Music Move...*) provide insights into UK musicians' and crews' experiences of touring in the EU post-Brexit. The MU has recently surveyed its membership to gain further data and insight into how touring opportunities in the EU are limited by financial, logistical and regulatory burdens.

This report sets out the new data provided by the 200+ survey respondents and aims to plug evidence gaps by providing the detailed perspective of promoters, booking agents and tour managers, whose experiences further evidence the need for cross-border regulatory reform for UK artists, musicians and their crews.

The MU also makes recommendations for the Labour Government to take forward which would facilitate touring in the EU, benefitting the UK music industry, musicians and the economy.

This report is based on data gathered from:

1. A survey of musicians and other touring artists and crew, undertaken during April - May 2024. The primary respondents were MU members, however other organisations such as LIVE, UK Music, Music Managers Forum and Featured Artists Coalition were asked to promote the survey which led to a wider range of respondents.

2. A research project undertaken on behalf of the MU by Jonathan Robinson of Think Music.

## **Survey Methodology and Headline Findings**

The MU survey asked a series of questions pertinent to the areas around performing and touring in the EU as well as determining the status of the respondents.

Questions focused on the following:

- The nature of the respondent's work.
- Where they work: size of venue and EU territories usually visited.
- Whether their volume of work has changed since the UK left the EU.
- The respondent's income and financial viability of touring.
- Work Permits, Visas and travel arrangements.
- ATA Carnets and the movement of equipment.
- Hiring equipment and means of transport.
- Merchandise.
- Tax and National Insurance.

The results from this survey further complement previous surveys and reports undertaken by UK Music, ISM, Entourage Pro, the Independent Commission on UK/EU Relations and others. The report illustrates the consequences of leaving the EU without provisions within the Trade and Co-operation Agreement (TCA) to support touring musicians. There is no doubt from the data provided here that there has been a significant impact on the work of touring musicians, artists and their crew.

- 75% of respondents who had previously worked in the EU prior to the UK's departure told us their bookings had declined.
- 79% said they had been unable to make up for the loss of that work by touring elsewhere in the world.
- 59% said touring the EU was no longer financially viable
- 22% of respondents told us their volume of work had decreased by 75% and as a result they no longer worked in the EU. 72% said their income from work in the EU had decreased.
- Those applying for an ATA Carnet reported additional costs between £300 and £2000.
- 41% said they had to hire equipment in the EU to avoid the cost of a Carnet and 35% had to hire transport in the EU.
- 54% said their merchandise sales had been affected and 24.5% said they experienced difficulties when moving merchandise between the UK and EU.
- 13% of respondents experienced all or part of their fees being withheld due to complications in connection with tax and national insurance.

## Research Methodology

Interviews and written responses were secured from:

Oskar Strajn	ESNS/ Eurosonic - Netherlands	European Commission- funded festival showcase	Interview 23.03.24
Ivone Lesan, Coordinator, booking department	Primavera Sound - Spain	One of the largest commercial festivals in Europe	Written response 25.03.24
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Dave Salt, Tour Manager	Independent	Level 42, Porcupine Tree, Loreena McKennit, Helena Fischer	MU-sourced interview, Feb. 24

## Interview Questions

Q1. Describe the overall impact of booking and securing UK acts, for EU gigs and tours, post-Brexit.

Q2. Are you more or less inclined to book UK acts, post-Brexit?

Q3. Are UK acts declining offers due to post-Brexit rules and regulations?

Q4. Can you quantify the issues, comparing pre- and post-Brexit experiences?

## Research Findings

- Small-to-medium-sized acts are disproportionately affected by regulatory changes post-Brexit, and more likely to now not perform in the EU. As a result, UK acts of that level are now underrepresented in Europe.
- The net effect is a saturated domestic scene of UK artists touring in the UK, and a downward pressure on fees resulting in a less diverse roster of artists performing on stages across both the UK and the EU.

- There's a resulting wider economic drain in UK acts not touring abroad impacting UK session musicians, crews, technicians, merchandisers and haulage companies.
- Despite best efforts of the industry and MU, there remains a lack of a single source of clear, authoritative, and up-to-date information for UK acts and crews on all administrative and regulatory aspects of EU touring and gigging. People are still getting forms wrong and being turned away at borders.
- International artists are similarly dissuaded from visiting the UK – US acts are now faced with separate additional costs for both the UK and separately, the EU. EU acts face similar additional costs and administrative issues performing in the UK.
- It now takes more work to book less shows, which has a big impact on the workload of booking agents.
- Travel is more complicated and expensive across Europe, meaning the days an act playing three or four shows in a festival weekend are, for the most part, long gone.
- There remain inconsistencies in border forces' understanding and policing of ATA Carnets across EU countries, leading to uncertainties regarding the time it takes to cross borders. Consequently...
- ...Border issues are problematic when crossing from the UK into the EU, requiring an additional day to be added to tour itineraries on exiting and returning to the UK, with commensurate increases in costs to salaries, per diem expenses and accommodation.
- ATA Carnet costs and Cabotage issues mean small-to-medium-sized acts increasingly request backline hire in each country visited.
- Whereas visas were not an issue pre-Brexit, now artist teams have so many questions, the time spent by promoters resolving issues has doubled.
- The offer of one show in the EU that requires a Carnet makes that show economically unviable for many.

## **Recommendations to Government**

- Engage urgently with the sector to identify workable and negotiable solutions to the problems highlighted in this report.
- Engage with the EU to develop and agree a side agreement that encompasses a cultural exemption to the barriers to culture, trade and growth.
- Work with the music industry to establish a single authoritative information hub for the sector.
- Develop, or ensure the UK is able to access, funding streams to support UK acts working commercially in the EU, such as Creative Europe.

Musicians' Union

July 2024.

## Touring in the EU

### Post-Brexit Barriers for Musicians, Artists and Crew

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### Part One: Context, Methodology and Summary Findings

#### Political Context

In its manifesto, the Labour Party committed to improving trade relations with the EU and, in particular, to assist touring artists. In the National Policy Forum document, a pledge was made to “***push for an EU visa waiver for UK touring artists and the reduction of other administrative burdens.***”

Pre-existing research and reports (MU and third-party including the APPG's *Let the Music Move*)<sup>1</sup> provide insight into UK musicians' and crews' experiences. The MU decided to survey its membership to gain further data and insight into how current financial, logistical and regulatory burdens affect touring opportunities in the EU.

This report sets out the new data provided by the 200+ survey respondents combined with the perspectives of promoters, booking agents and tour managers, whose experiences further evidence the need for cross-border regulatory reform for UK touring artists and their crews.

The report also makes recommendations to the Government that it is considered would facilitate increased touring in the EU by UK acts, benefiting the UK music industry, musicians and the economy.

This report is based on data gathered from:

1. A survey of musicians and other touring artists and crew, undertaken during April - May 2024. The primary respondents were MU members but the survey was also promoted by LIVE, UK Music, the Music Managers Forum and Featured Artists Coalition which led to a wider range of respondents.
2. A research project undertaken on behalf of the MU by Jonathan Robinson of ThinkMusic<sup>2</sup>

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<sup>1</sup> <https://www.ukmusic.org/news/let-the-music-move-report-highlighted-as-calls-grow-to-help-uk-musicians-tour-eu/>

<sup>2</sup> <https://www.linkedin.com/in/jonathan-robinson/>

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The MU survey asked a series of questions on performing and touring in the EU. Questions focused on the following:

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The results from the survey further complement previous surveys and reports undertaken by UK Music, ISM, Entourage Pro, the Independent Commission on UK/EU Relations and others [see footnotes on page 37]. The report illustrates the consequences of leaving the EU without provisions within the Trade and Co-operation Agreement (TCA) to support touring musicians. There is no doubt from the data provided here that there has been a significant impact on the work of touring musicians, artists and their crew.

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### Research Findings

- Small-to-medium scale acts are disproportionately affected by regulatory changes post-Brexit, and more likely not to perform in the EU. As a result, UK acts of that level are now underrepresented in Europe.
- The net effect is a saturated domestic scene of UK artists touring in the UK, and a downward pressure on fees resulting in a less diverse roster of artists performing on stages across both the UK and the EU.

- There is a resulting wider economic drain in UK acts not touring abroad impacting UK session musicians, crews, technicians, merchandisers and haulage companies.
- Despite best efforts of the industry and MU, there remains a lack of a single source of clear, authoritative, and up-to-date information for UK acts and crews on all administrative and regulatory aspects of EU touring and gigging. People are still making administrative errors and being turned away at borders.
- International artists are similarly dissuaded from visiting the UK – US acts are now faced with separate additional costs for both the UK and separately, the EU. EU acts face similar additional costs and administrative issues performing in the UK.
- It now takes more work to book less shows, which has a big impact on the workload of booking agents.
- Withholding tax for UK acts has increased from 19% to up to 24% (Spain).
- Travel is more complicated and expensive across Europe, meaning the days an act playing three or four shows in a festival weekend are, for the most part, long gone.
- There remain inconsistencies in border forces' understanding and policing of ATA Carnets across EU countries, leading to uncertainties regarding the time it takes to cross borders.
- Crossing borders between the UK and EU is problematic, requiring an additional day to be added to tour itineraries both on leaving and returning to the UK, with a commensurate increase in costs to salaries, per diem expenses and accommodation.
- ATA Carnet costs and Cabotage issues mean small-to-medium-sized acts increasingly request backline hire in each country visited.
- Whereas visas were not an issue pre-Brexit, now artist teams have so many questions, the time spent by promoters resolving issues has doubled.
- The offer of one show in the EU that requires a Carnet makes that show economically unviable for many.

### **Recommendations to Government**

- Engage urgently with the sector to identify workable and negotiable solutions to the problems highlighted in this report;
- Engage with the EU to develop and agree a side agreement that encompasses a cultural exemption to the barriers to culture, trade and growth;



- Work with the music industry to establish a single authoritative information hub for the sector;
- Develop, or ensure the UK is able to access, funding streams to support UK acts working commercially in the EU, such as Creative Europe.

## **Part Two – Detailed Findings**

### **Survey Results**

The results are grouped into the following sections:

Section 1: Respondent careers

Section 2: Impact on work in the EU

Section 3: Work Permits, VISAs and where respondents have worked

Section 4: The ATA Carnet

Section 5: Merchandise

Section 6: Tax and National Insurance

### **Section 1: Respondent careers**

#### **What kind of musician are you?**

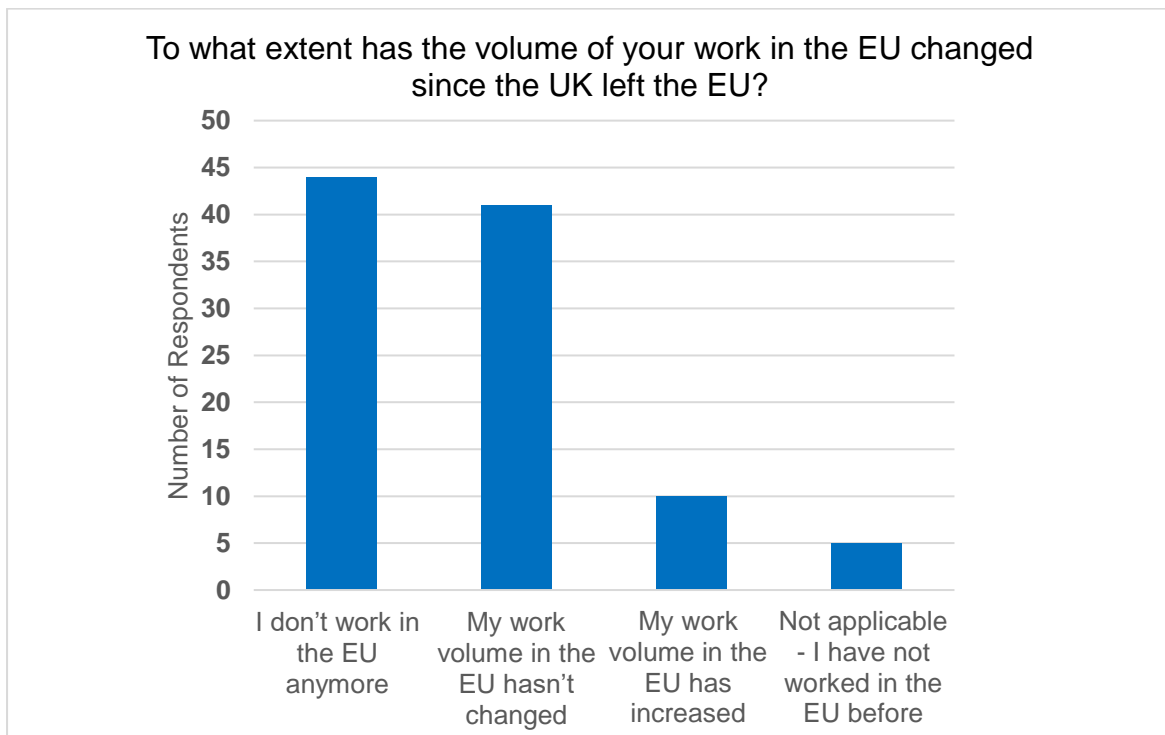
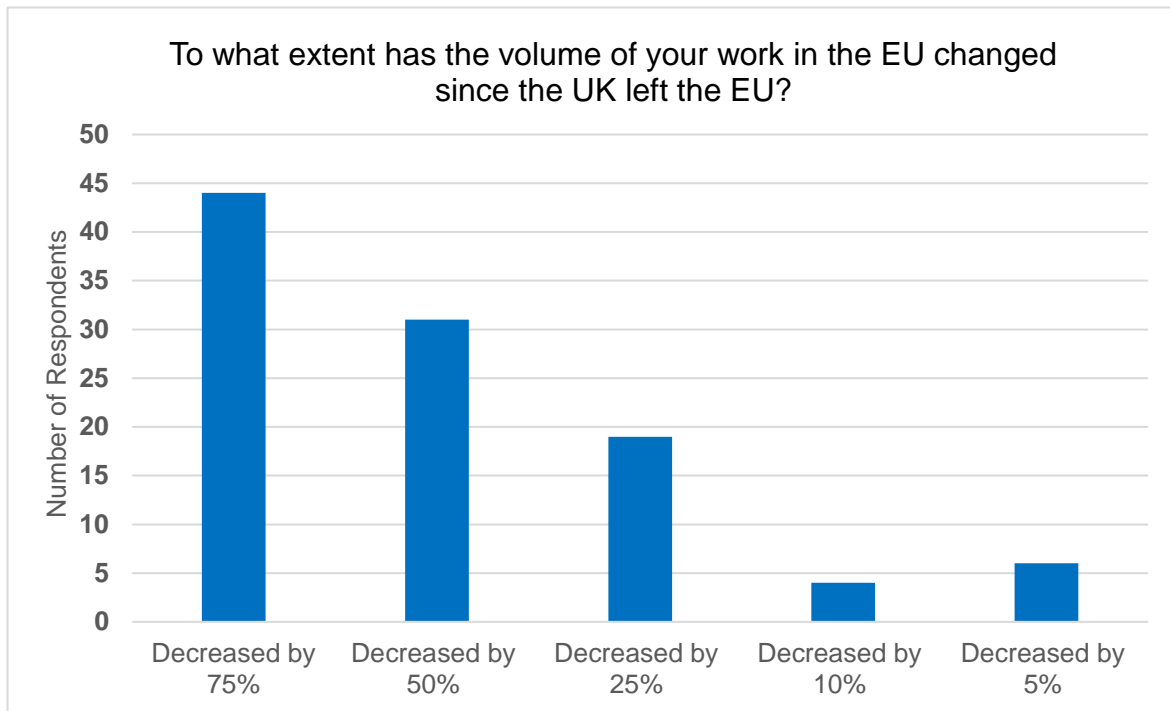
Band Member	47%
Freelance 'Jobbing' Musician	46%
Solo Performer	28%
Ensemble/Orchestras/Theatre	27%
Other	10%

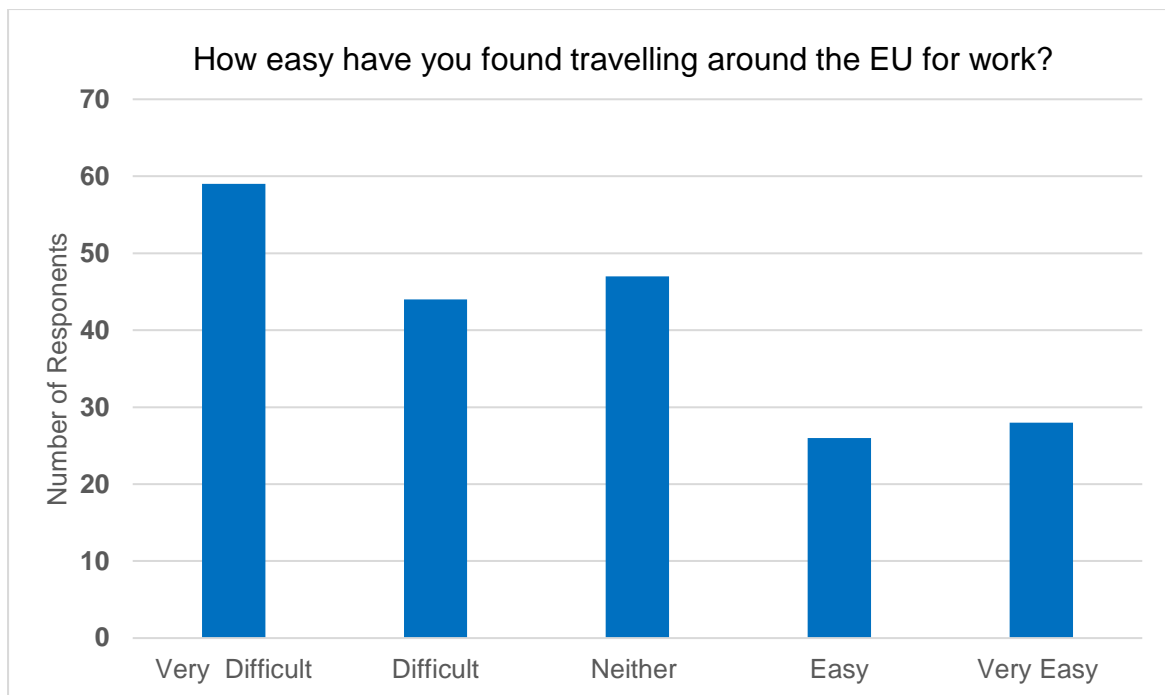
The respondents identifying as 'Other' included crew, composers, promoters and choir members.

#### **What venue size do you usually perform in when touring in the EU?**

Private venues /Functions	6%
Grassroots 0 - 500	42%
Mid Cap 500 – 5,000	28%
Mid-High Cap 1,500 – 5,000	24%
Arena 5,000 – 20,000	1%
Stadium > 20,000	0%

## Section 2: Impact on work in the EU



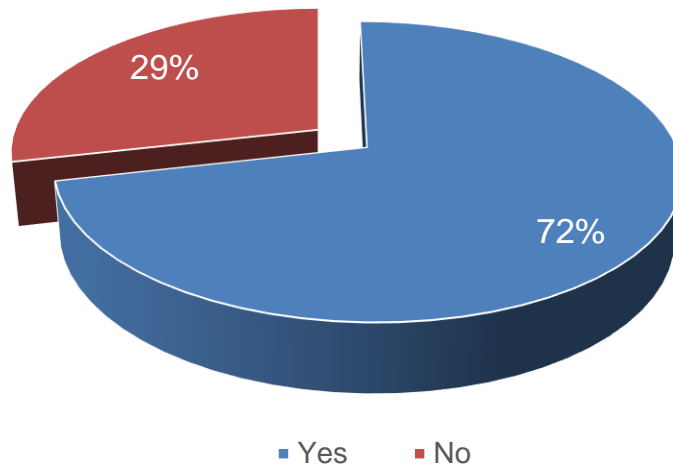


Some examples of why respondents found it difficult to travel around the EU for work were sought. Comments included:

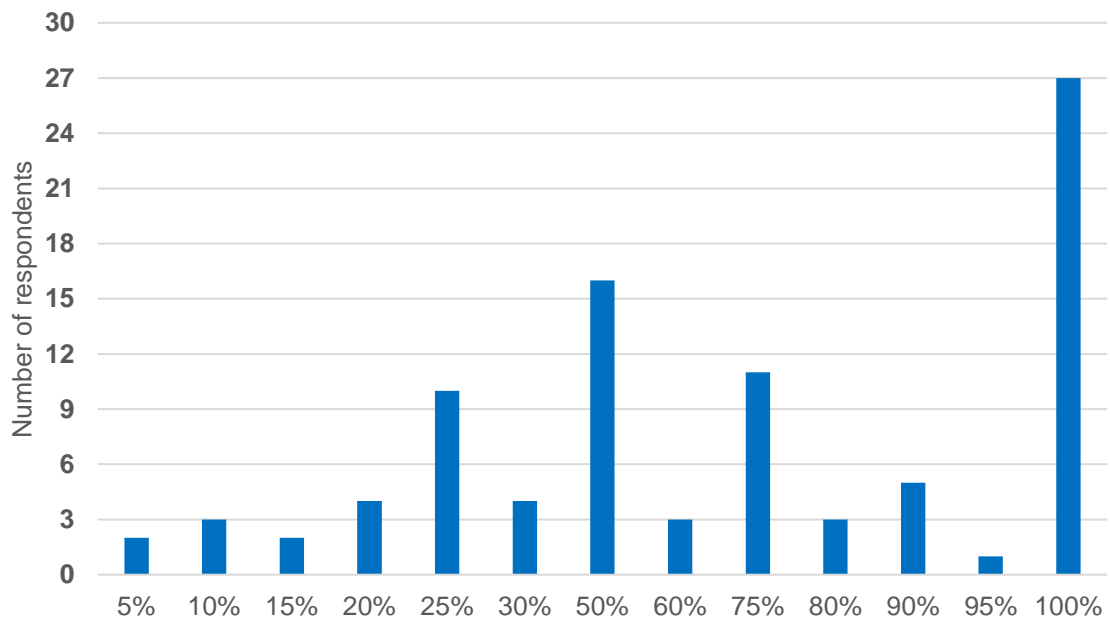
- *Waiting at airports in the non-EU queue up to an hour in March at Munich airport. Filling in forms such as A1 form*
- *Having to navigate visa issues and also, I book local players for performances sometimes and payments across borders are difficult.*
- *Work permit situation*
- *Documentation and visas required for every recording session or gig*
- *Used to tour Germany, Holland and France before Brexit. Now too much of a gamble to buy travel upfront and to find we have additional costs and enforcements, so we haven't been back since.*
- *It costs me £600 a year in visa fees*
- *Paperwork and venues not interested because of increased administration and regulations.*
- *Carnet forms and Passport checks*
- *Carnets restricting what I can take. Having to be aware of days spent in the EU. No longer being hired by EU based artists and production companies.*
- *UK customs don't know the law when EU band members come to the UK. Carnets - an absolute pain just to bring our instruments. Don't bother with merchandise as that would be too difficult.*
- *Border staff not yet knowing the rules for musicians, carnet offices being difficult to locate, advice from border staff being very unhelpful*

- *Meeting all legal requirements, instrument forms, bureaucratic red tape. Not getting invited to chamber festivals etc. because the extra paperwork is a hassle for them now*
- *I'm just not getting any EU bookings now*
- *I no longer work in the EU due to Brexit*
- *Visas, carnets, delays at UK borders, lack of interest from EU promoters, inability of UK agents to generate work in EU, perceptions in EU of difficulties with the British*
- *Much more difficult moving around and limited to how long can be spent there.*
- *My work has stopped in the EU, so since Brexit I have only been once. I had to get a work visa, which took 4 hours out of my day (unpaid).*
- *The carnet system is a complete mess, the rules seem to change on a weekly basis and getting your carnet stamped in France is a real conundrum*
- *The expense of buying a carnet, massive amounts of time listing every last bassoon reed, guitar string etc. Time lost in travel, having to wait to have the carnet stamped. Loss of income through the impossibility of taking CDs and T-shirts into the EU, with the requirement and costs of having to register those items for VAT in each country, even if one is merely passing through that country to reach another... Recent example: last December going through France and Belgium to get to our gig destination in Holland. Also, the promoter in the Netherlands who also has a CD business, told us that the costs of importing CDs from the UK are now prohibitive, and that he would need to sell them for 60 Euros!!*
- *The ability to get on a plane at short notice for a recording session or a gig has gone completely. This is something I've been able to do since the late 1970s*
- *Travel costs increasing, VISA requirements complicating, venue hesitancy to book UK artists*

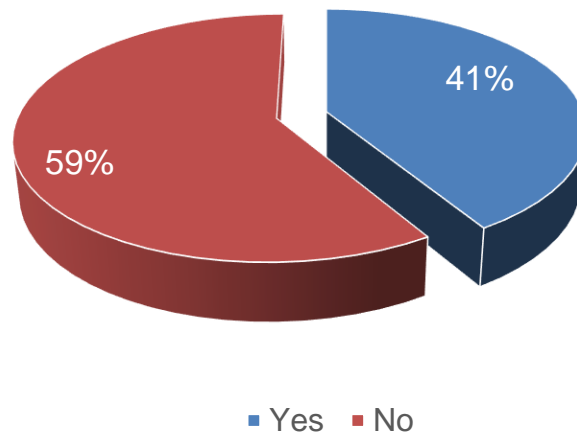
Has your income from work in the EU decreased since the UK left the EU?



How much did your income from working in the EU decrease by?



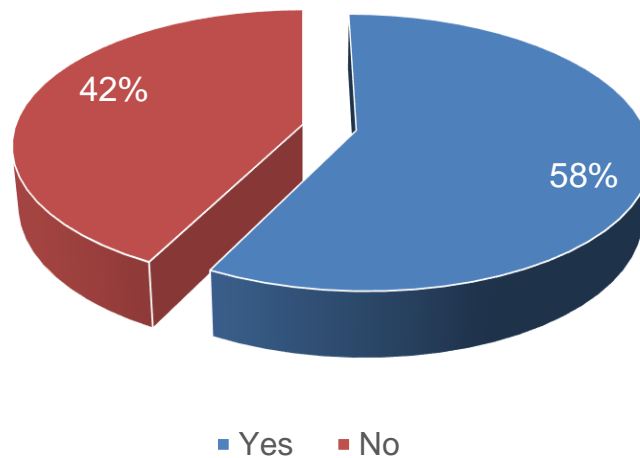
Is touring in the EU financially viable for you or your band/ensemble?



Comments were sought on the financial viability of EU touring:

- *Break even really, and hopefully profit on merch. Travel a day early now to allow for border delays, so extra van hire, extra night in hotel*
- *The main issue is that I'm limited with time in the EU, which is frustrating having intercontinental projects and opportunities*
- *Artist profits reduced so our rates have stagnated*
- *I sing in European or world choirs. The members come from different countries and the management is in the EU. I do think it sometimes puts them off choosing me now if they can pick someone who lives in the EU.*
- *We basically make it work but cutting corners and leaving things at home*
- *Pre-Brexit I did a couple of financially viable solo tours. Since Brexit I've done one financially viable quartet tour.*
- *Some gigs are still viable, but others aren't*
- *Touring is not just viable, it's essential. So the thing was just to make it work somehow.*
- *Viable with a good booking agent but Schengen rules limit number of days*
- *Important for international visibility despite margins being at break-even level.*
- *It's just far more complicated than it should be and before Brexit*

Have you toured in the EU anyway?

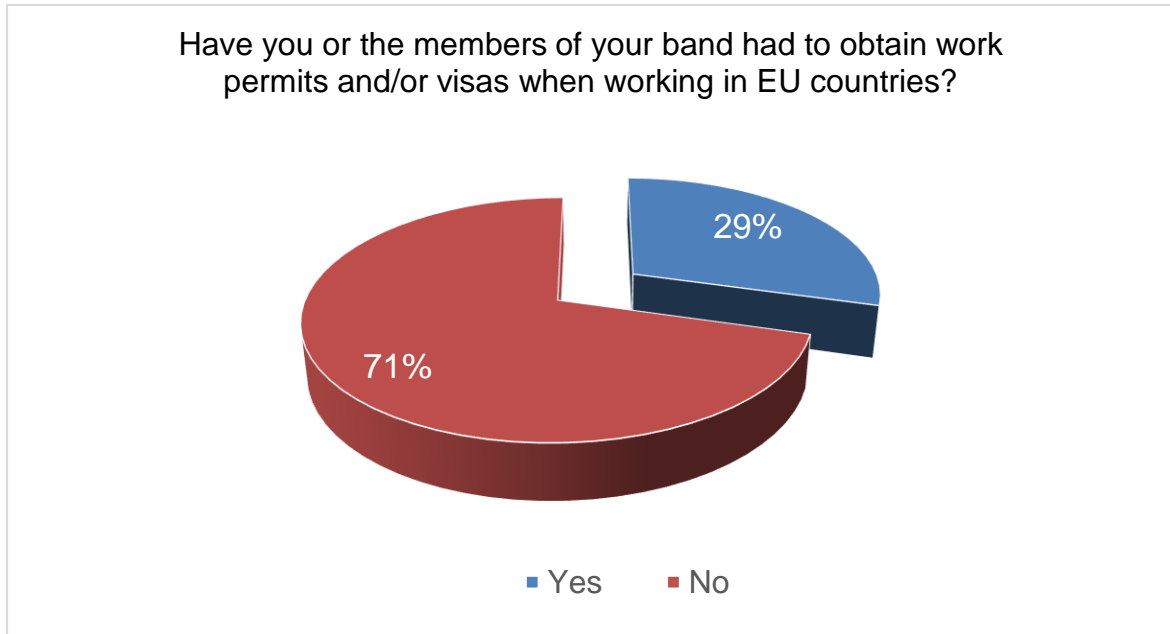


It is clear from the following comments from respondents that cultural exchange, retaining established audiences, the better treatment of musicians and the connection with new audiences in the EU remain motivating factors as to why musicians continue to perform in the EU.

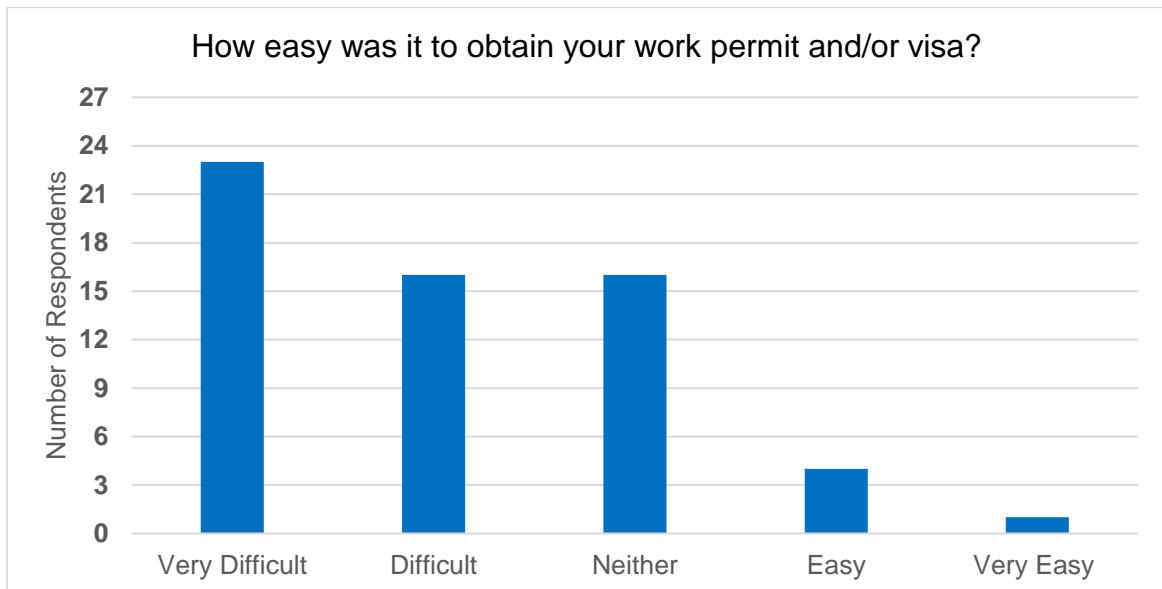
- *For the increase in fanbase*
- *Exposure, return bookings...*
- *Because it's our lifeblood to play top quality concerts*
- *Because it's important to expose ourselves to the European market.*
- *Because it's better paid than UK*
- *Honouring commitments*
- *Exposure. Future potential*
- *To play for keen fans - once only, so as not to let them down*
- *The tour was one gig that paid sufficiently. It was impossible to add another gig. I think this has partly to do with promoters not wanting to deal with UK bands since Brexit.*
- *To retain fanbase and network in the hope things improve*
- *To gain exposure for the band in the hope of higher fees in the future*
- *Because it's necessary to grow the band. We can only hope that we grow enough to earn something in future from the EU.*
- *Because we didn't realise how costly it was at first. But we will do less in the future because of this.*

- *To keep a live profile in the EU, connecting with fans*
- *My work has dropped off in EU a lot as theatres are no longer hiring British musicians because of costs. Because of losing my EU status/citizenship as a British citizen I have lost a lot of work*

**Section 3: Work Permits, VISAs and where respondents have worked**



Respondents were also asked about the process of obtaining a visa:

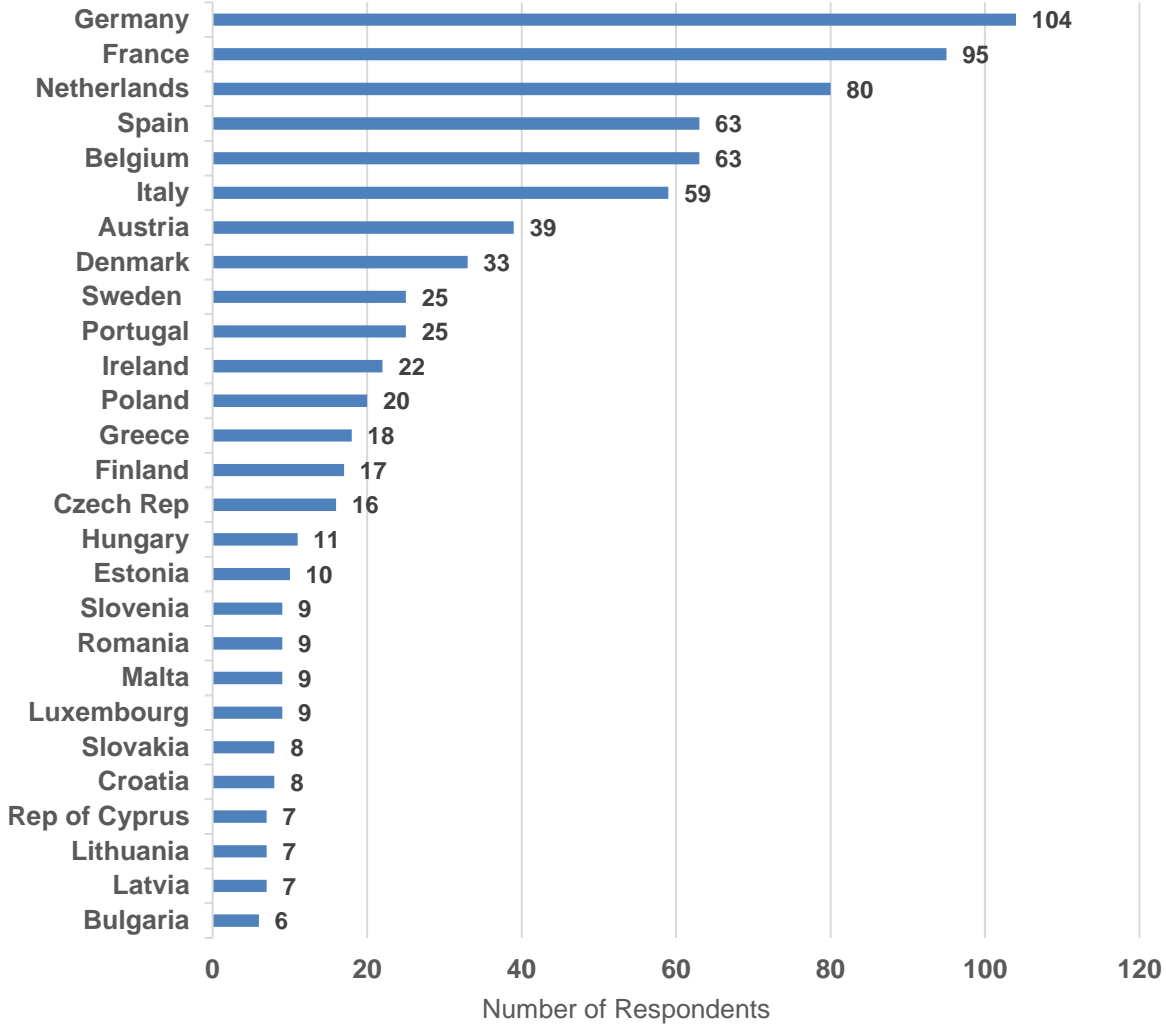




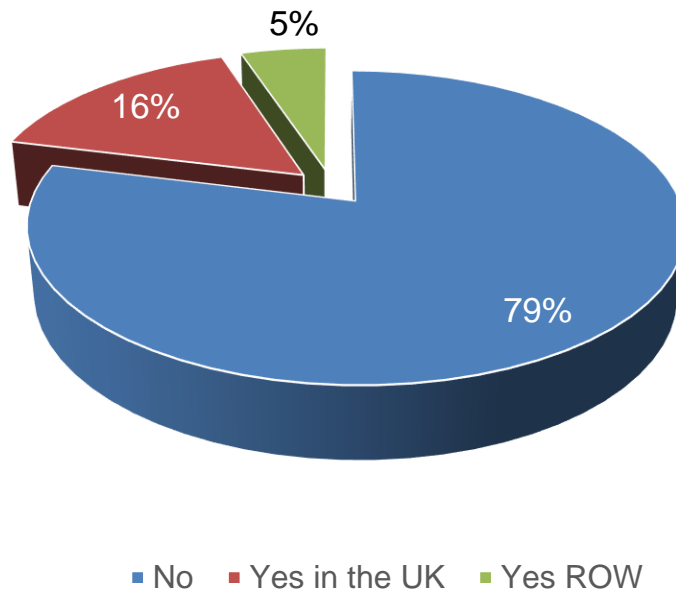
The reasons why respondents found it so hard included:

- *Paperwork*
- *Bureaucracy*
- *Time, cost and number of documents*
- *Had to give actual bank statements and a ridiculous pile of admin to play 2 concerts. In addition to the time spent compiling the documents I also spent 4 hours at the embassy. None of which was paid*
- *Affordability*
- *Filling it out! And establishing an 'end date' that is realistic while continuing to add dates in Europe to the diary - it's a pain because they want a date when you're leaving the EU to return to the UK*
- *The speed of obtaining firstly information from promoters/agents then the hoops need to be leapt through to get the necessary approvals (this is usually in regard to Spain and does not happen every time we go to Spain.*
- *Finding the time to attend visa meetings that fit in with work, lengthy application process. Very off-putting as it used to be as easy as booking a flight.*

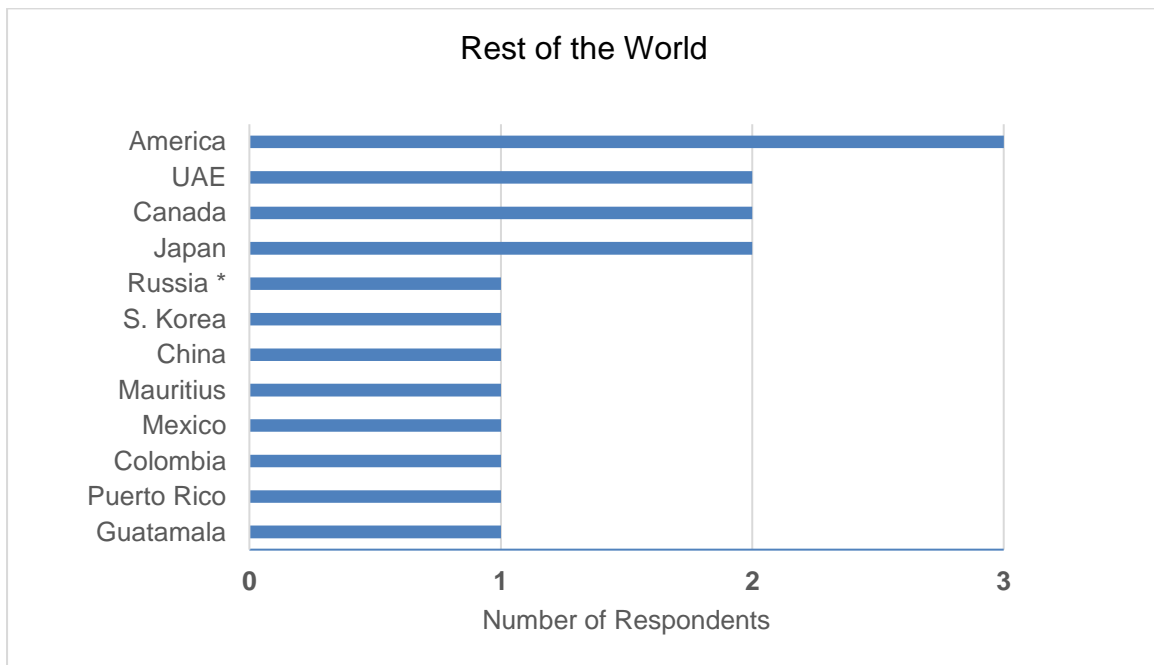
Which EU countries have you worked in?



If you have ceased touring in the EU, have you made up for the loss of that work elsewhere?

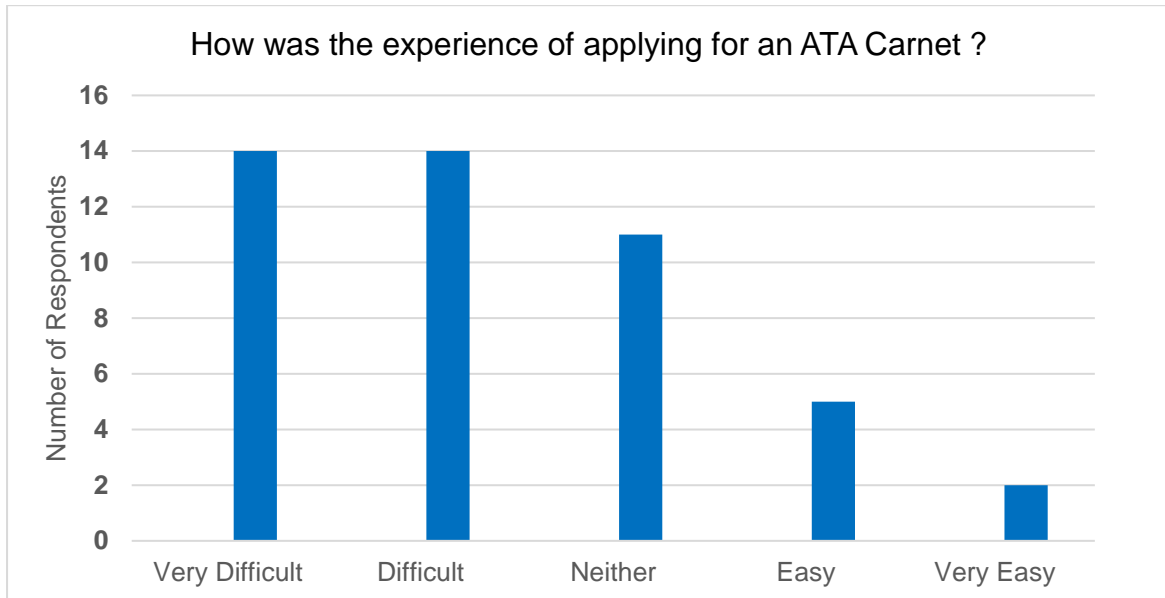


Of those respondents who had made up for work lost in the EU by touring in the rest of the world, the countries worked in were as follows:



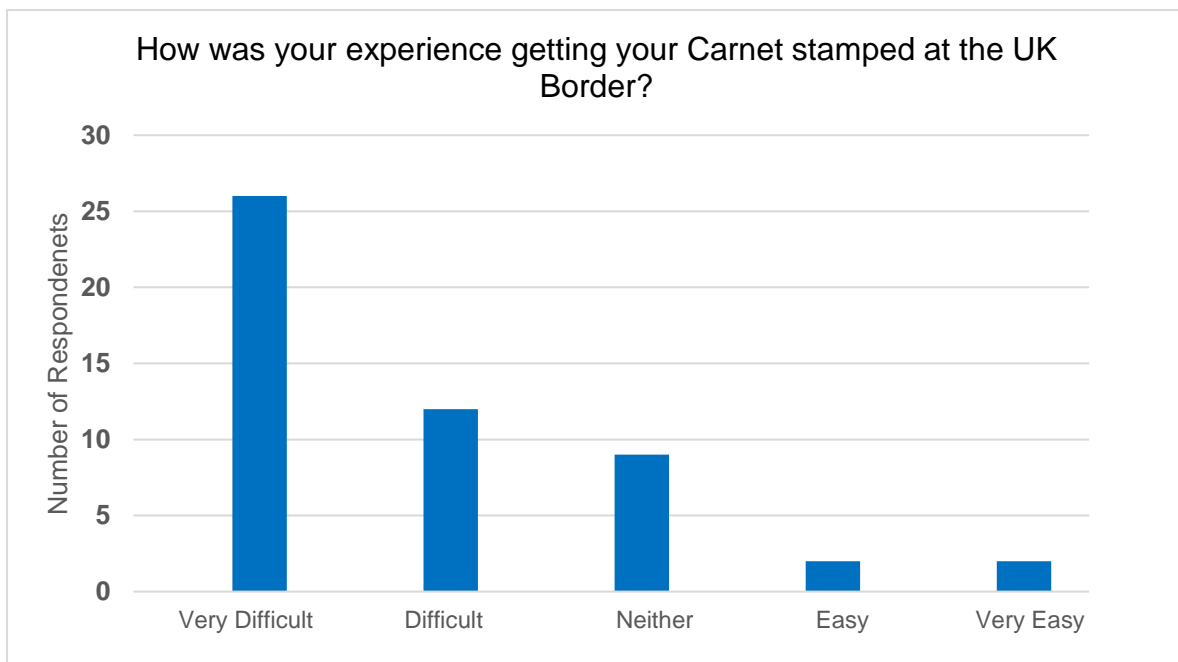
\*The entry for Russia was prior to the invasion of Ukraine.

## **Section 4: The ATA Carnet**



60% of respondents who had acquired an ATA Carnet for their musical instruments and equipment found the process difficult or very difficult.

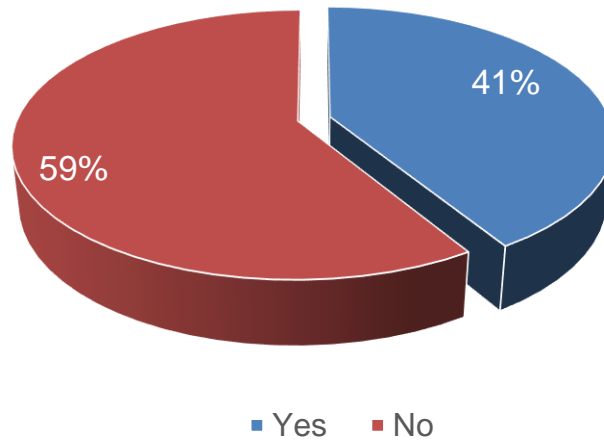
Additional expenses required to fund the cost of the ATA Carnet ranged from under £300 to £2,000. Getting the ATA Carnet stamped at the border was a significant issue for respondents:



Examples provided by respondents of problems encountered when acquiring or using ATA Carnets were:

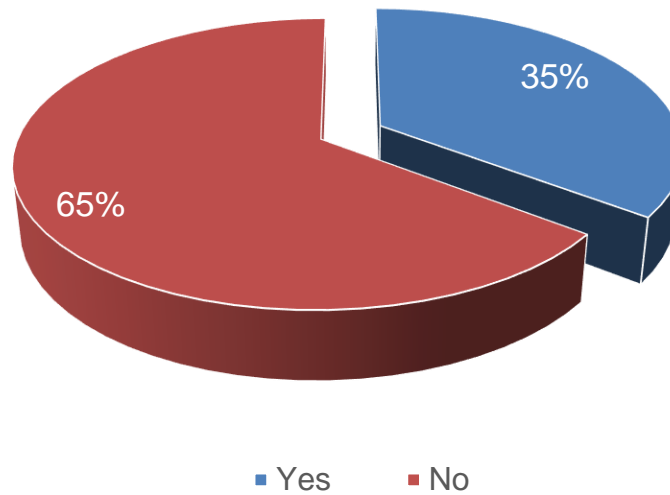
- *4 hour waits, different officials giving differing replies, lack of facilities at Sevington*
- *Border staff not used to new rules. Conflicting information sources. Really awkward and needless hassle for all involved*
- *UK officials didn't even know what a Carnet is, unbelievably!*
- *Being unable to take personal equipment home at the end of a tour as it had to travel back in the same truck it went out on.*
- *The whole experience was abysmal. We didn't understand how to use it properly, despite all our research. We didn't do it right despite hours and hours queuing at the inland border to get it stamped; because it was so unclear what we needed to do, if we'd been checked it wouldn't have been right. So it was a bit like burning the money! On the French side of the channel there was absolutely no clue about where we should have gone to use the carnet.*
- *Takes ages, detour at tunnel, waiting around amongst lorry drivers fined for not stamped on return*
- *UK side are useless - SPECIFICALLY MANCHESTER AIRPORT - the red phone doesn't work there are 2 reps covering three terminals*
- *Sometimes Carnet inspection office wasn't open so long wait involved.*
- *Staff at the ports really unfamiliar with the paperwork and processes*
- *mainly an average of 50 minutes to get carnet stamped, and this is x4 (twice on outward journey, twice returning to UK).*
- *Long, convoluted system for getting document stamped with long waits up to 45 minutes. GMR number acquisition was not explained initially and is an extra hurdle to overcome. The French side of the border happens so much faster than the UK side you wonder what they're faffing about with on the UK side.*

Have you had to hire equipment in the EU to avoid the cost of the ATA Carnet?



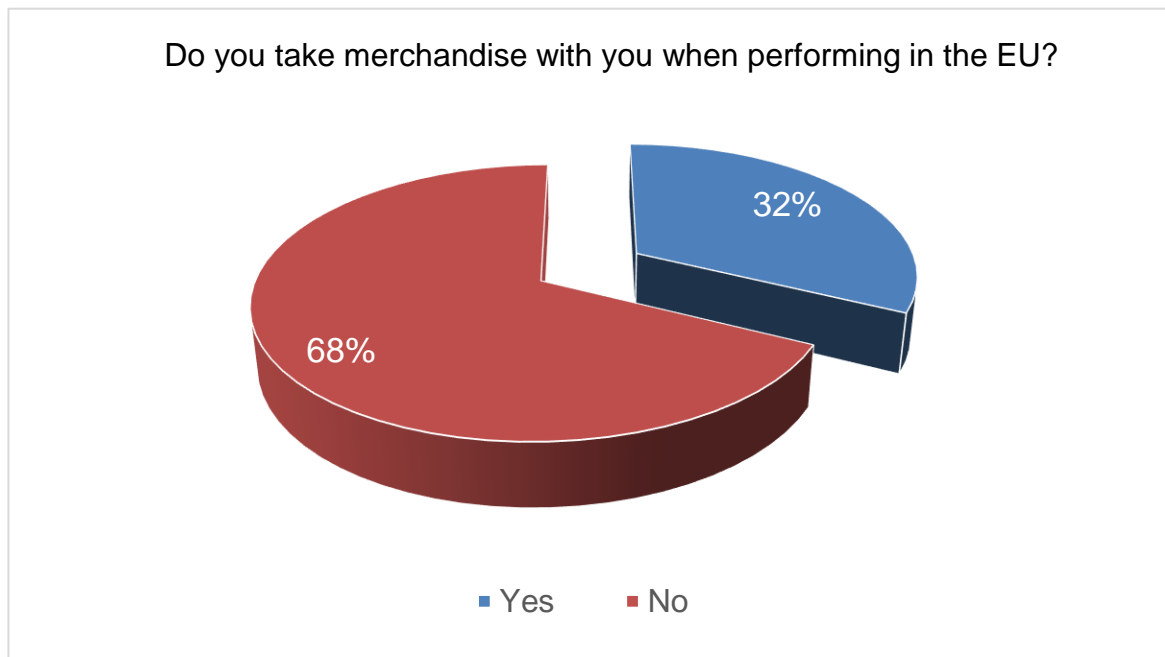
Respondents reported the additional cost of hiring equipment to avoid the cost of an ATA Carnet ranged between £200 and £4,000.

Have you had to hire Transport in the EU to avoid the cost of the ATA Carnet?



Respondents report the additional cost of hiring transport ranged from €100 for a taxi to €2,300 to hire a van.

## Section 5: Merchandise

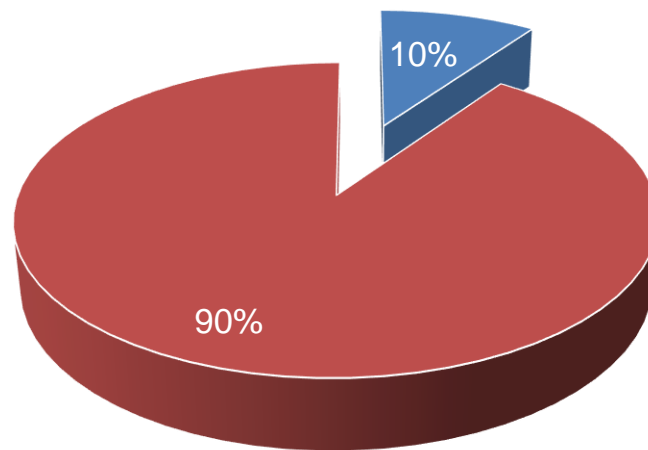


Comments were sought from the 68% who answered 'No':

- *No margins with the cost associated*
- *Having to pay VAT at the border*
- *Not financially viable*
- *Too complicated*
- *Didn't want to come across difficult financial roadblocks*
- *We used to before Brexit, but the legal situation is too complicated now*
- *I haven't sold merch in the EU when on tour, however I have tried to send merch to the EU and despite having correct tax codes, merchandise gets returned/blocked by customs.*
- *Not allowed or too costly to sell*
- *Loss of income through the impossibility of taking CDs and T-shirts into the EU, with the requirement and costs of having to register those items for VAT in each country, even if one is merely passing through that country to reach another... (recent example: last December going through France and Belgium to get to our gig destination in Holland. Also, the promoter in the Netherlands, who also has a CD business, told us that the costs of importing CDs from the UK are now prohibitive, and that he would need to sell them for 60 Euros!!*
- *Afraid of the additional costs making it pointless to try and sell products*

- *Too complicated, bureaucratic and expensive to get merch to venues - simply not worth the huge hassle*
- *We will be getting everything from the EU in future for long trips. The reason is cost to the purchaser. Now we need to have a European TM, Merch person and Merch produced in Europe in order to simply ensure that costs are cut. However, this also kills profitability.*

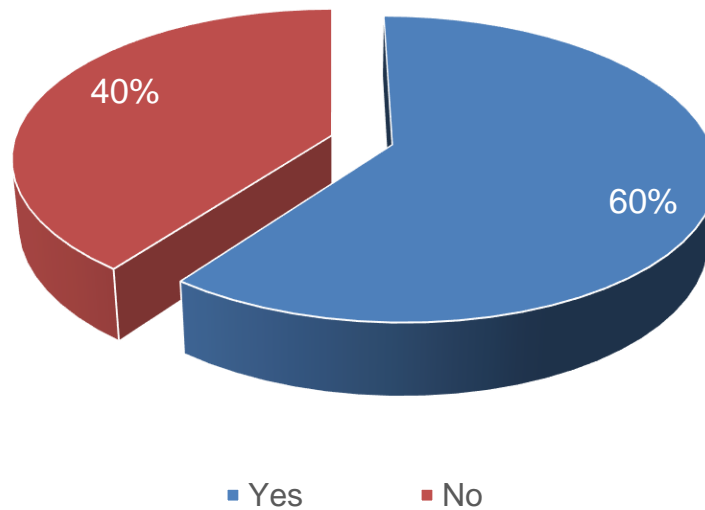
Do you or have you acquired merchandise in the EU and left it there when returning to the UK?



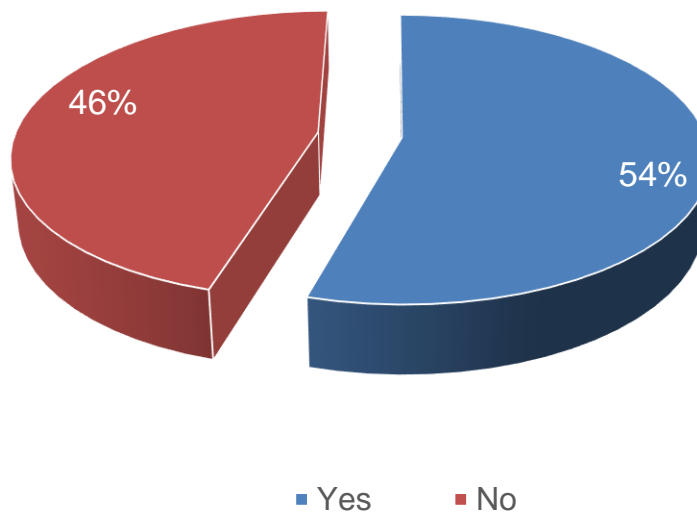
■ Yes      ■ No



Had you taken merchandise pre-Brexit?



Has the UK leaving the EU affected your merchandise sales?

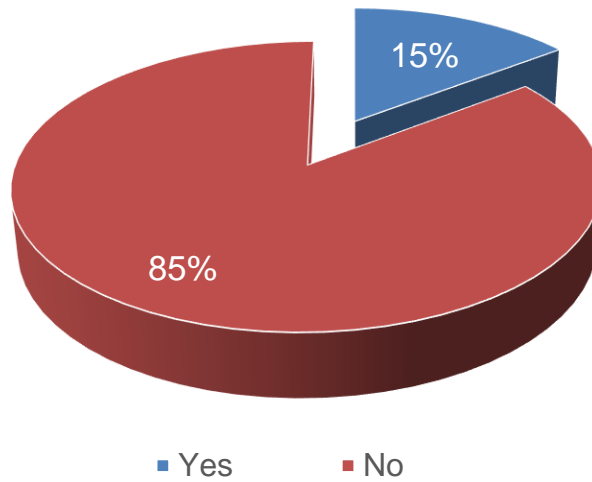


Comments were sought on how the UK leaving the EU had affected merchandise sales:

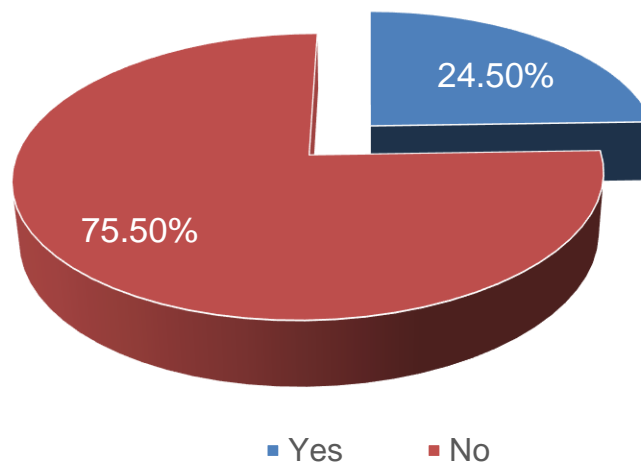
- *Purchasers now have to pay import duty if we send merchandise by post. We now don't take merchandise into the EU. It has meant we sell almost nothing to the EU now.*

- *Brexit has put a total stop to my EU work*
- *We don't take merchandise anymore as it costs as much to bring it in/sell as it does to buy in the first place*
- *Having to pay VAT on merch up front so no sales post Brexit*
- *Big reduction in physical bandcamp orders from EU*
- *Total drop-off in engagements after Brexit*
- *Additional customs charge on merch posted to EU*
- *It's harder to do everything since we left the EU*
- *Card readers that work in EU no longer available to UK residents*
- *For my self-composed choral work it makes it tricky with extra payments. I just sell within the UK now*
- *We cannot tour now.*
- *75% drop in online merch orders post-Brexit*
- *Merch regularly gets blocked/returned by customs, despite having correct tax/customs codes*
- *Fewer opportunities to play EU meaning fewer sales at concerts. Posting things to EU now is a gamble as things are either delayed, simply don't turn up or are returned to sender*
- *Sending via post is now so expensive*

Have you taken merchandise using the 'Merchandise in Baggage' rules?



Have you experienced difficulties moving merchandise between the UK and the EU?



Reasons given for the difficulties in moving merchandise included:

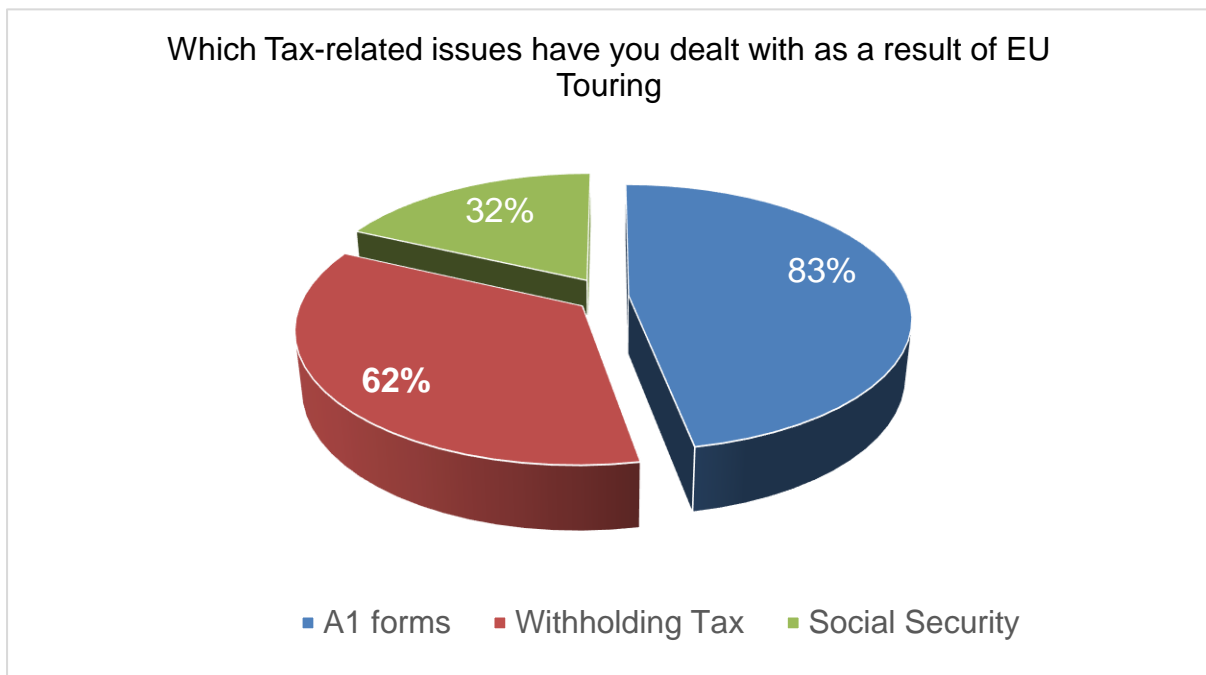
- *Some customers charged for receiving parcels*
- *Export tax*
- *Damaged items. Oversized luggage and additional charges at airport*
- *Both sides have so many legal requirements and taxes that it takes all the profit away*
- *Unclear rules*

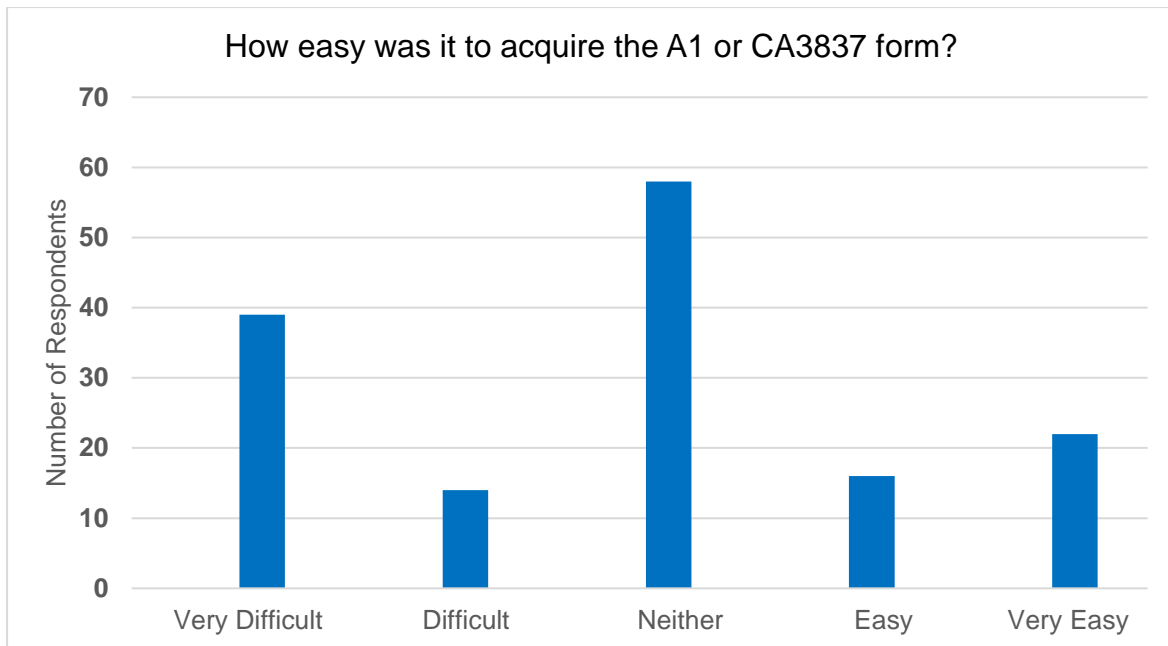
- *Unreliable costs on entering EU. Sometimes charged, sometimes not. Even posting items is the same. Brexit has basically killed the very idea*
- *Overzealous customs officials*
- *Paperwork, customs charges, uncertainty over returning stock to the UK afterwards*

### **Section 6: Tax and National Insurance**

Respondents were asked which of the following tax-related issues they had dealt with as a result of EU touring:

- A1 forms
- Withholding Tax
- Social Security



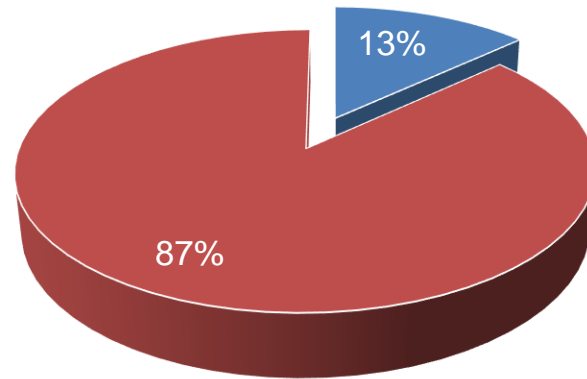


Examples were sought of problems encountered and how long it had taken to acquire the required form:

- *Had to submit for EVERY country (10+) terribly time consuming*
- *HMRC did not issue the A1 certificate on time, it showed up around 6 months after playing the actual event and tours!*
- *Long delays at HMRC*
- *Just found it very complicated and confusing*
- *Long wait for A1*
- *No answer from HMRC or Home Office*
- *Knowing how to fill the form in correctly - in concert with everyone else in the band who have to fill it out*
- *Long delay receiving A1 back from HMRC. Half the band didn't get their A1 in time for trip. Never asked for the A1 in EU anyway.*
- *Red tape*

Respondents reported the amount of time it took to receive a completed A1 from HMRC varied from 1 week to 9 months and some were still waiting after the completion of their tour.

Have you had all or part of your fee earned in the EU withheld due to complications around paperwork in connection with A1 or CA3837 forms?



■ Yes ■ No

Reasons provided by respondents who had suffered issues included:

- *Waiting time to obtain A1*
- *HMRC being too slow*
- *Tax in European countries being taken off the fee*
- *Withholding tax takes ages to sort out and mitigate against your own U.K. tax*
- *I desperately need that money for cash flow. Also, I'm a solo artist who employs her session musicians - why are we all taxed instead of just me?*
- *From either not arrived in time or not at all which has been very common. Impossible to talk to anyone on the phone regarding this. Why is not available as a PDF now? It doesn't make sense. Taxed 30% emergency tax on EU wages, then again in the UK. It's hopeless*

### **Conclusions:**

It is clear from these responses that after 4 years of the UK being outside of the EU, musicians are still finding touring in the EU hard. The responses to the survey are a clear indication that those who once were able to access their largest and nearest market are now experiencing significant difficulties. The barriers have been brought about by a) the UK leaving the EU and b) no provision within the TCA to address the issues they now face.

We asked respondents for their general comments on EU touring:

- *The biggest problems and therefore solutions needed are for clarity, letting EU promoters know we can still work there and UK funding to travel*
- *It all seems too much trouble to be worth it, both for players and promoters.*
- *All work in the EU has dried up. Promoters don't want to risk or complications of booking artists in my field from outside the EU.*
- *I gave up this side of my working life, several reasons but money was only one. Others are childcare costs and mental stress from the paperwork*
- *The main problem I have noticed is with my equipment and before, most of my equipment was sourced from Germany / other places in the EU and now nothing is being made in Europe. So it's taking much longer to get anything I need in and everything is much slower on that front.*
- *The biggest problem has been Carnets and travelling with our equipment. Too much red tape. Our singer who is based in the EU had trouble entering the UK and was turned away while on route to a show.*
- *The real financial difficulties to tour in Europe. Also, in the US where US artists do not encounter these kinds of restrictions - I feel it's unfair and the lack of support from our government is shameless*
- *UK Music industry contribution to UK (circa £7-8 Billion) economy seems to have been forgotten. More hard and fast rules need to be set by EU/UK re bands touring. UK Gov (Boris J.) promised to sort out issues such as these, especially abysmal streaming royalties of around \$0.0001 for musicians/songwriters but seemed to wither and die. Modern business models for musicians, songwriters and live grass root music industry are killing the global music industry, not just the UK's. If this continues, live via new music and original songwriting will die.*
- *The main issues I found were just a complete lack of guidance at the LCC, differing information and rules all over the internet and between countries & it took 3 hours for us to get across the border between Italy and Switzerland because they were so utterly confused by the UK carnet. Unless you're touring in a nightliner, some routes are literally made impossible if you have to get a carnet stamped - IE if you have an 8-hour drive before a show but you're going through an EU border, and you have no idea how long it's going to take to get that carnet stamped - how are you meant to factor for that? Your only option is to smuggle to then make the show. Waits of up to 4 hours at Sevington resulting in missed ferries. Touring is so expensive now that I couldn't afford a TM [Tour Manager] meaning all of this landed on me to sort - it's completely baffling and honestly, I'm like what is the point. I want to be a musician. Not someone who is having to spend weeks on end and thousands of pounds just to navigate the impossible bureaucracy of Brexit. The LCC*

*drastically need to step up their game in terms of advice to people trying to get a carnet - someone who answered the phone told me categorically that i was not allowed to put anything rented on the carnet - how is that the person that is giving advice in this chaotic situation?!*

- *Brexit has utterly decimated my career in the EU. I once had a strong profile and would tour, perform and collaborate with EU artists but this has pretty much closed down completely now*
- *I am very fortunate to have both UK and an EU passport. Much of my work pre-Brexit has been with European orchestras and ensembles. It has been made very plain to me on countless occasions that me being able to continue working has often been purely because I have an EU passport (hence my answers to this survey might skewer the results as my positive responses are purely because of having such a passport). For example, I've just been booked to play for a major Swiss orchestra in the summer - first time I've worked with them so no "legacy" of a professional relationship there pre-Brexit. The first question asked, even before they mentioned the specific dates was "can you confirm you have an EU passport". Similarly, I've just been appointed at a European conservatoire. At each point in the interview process (initial application, and three rounds of interviews) they asked, "and you DO have an EU passport?". It's clear that this is a major factor in my continued employment here. Sadly, there is so little work in the UK I have to travel for work in this way.*
- *Please help touring bands and crew. Before Brexit I played in Europe at least every month but since I've only played three times. I know lots of musicians that say the same.*
- *I come from Denmark and have been here for almost 20 years. The whole Brexit deal was not only a knife to the heart of the music and touring industry, but I have felt first-hand the shift in the country and how it treats the arts and musicians. Our value and what we supply has been diluted to what feels like an extinction event. In this country the general feeling I hear from many of my colleagues is that we don't matter. That the government doesn't care. That the people in general don't care for arts or creatives. There is no thriving and nor much surviving. Its heart breaking and after 20 years I am for the first time considering packing up and leaving the country. It would be so hard to have to start over in another country and develop the network and find the work, but it might eventually be the only option if conditions and the general view on musicians doesn't change. Fingers crossed there might be a light in the end somewhere.*



## Part Three: Research Findings

### 1. Oskar Strajn – Booker, Eurosonic ESNS, Netherlands

2019 and 2020 were the last ‘normal’ ESNS festivals. Even though Brexit was underway, ESNS was still able to meet the regulations attached to certain European grants and remain able to book and pay for as many UK acts as it wanted - typically between 38 and 42 UK acts would be programmed, annually.

#### Headline stats/ key issues

2020 40 UK acts programmed (consistent with preceding years)

2023 13 UK acts programmed in ESNS’ return to its physical edition – a 67% decline on pre-Brexit norms – with approx. 750 UK acts having applied.

2024 Between 15 & 18 acts programmed – a 59% decline on pre-Brexit norms. UK applications slightly higher than 2023 [exact number not specified].

Pre-Brexit, UK acts comprised approximately 13% of the festival’s total roster. Post-Brexit, this has decreased to approximately 4%.

#### Overall Impact

##### 1. Diversity of the programme

Implications for the programme in terms of its mix of genres, gender and agencies represented. Fewer UK artists meant striking the right balance with these and other criteria was more challenging, given the historic allocation of 40 or so slots to UK acts out of a total of 300 (13%).

##### 2. EU funding ended for UK acts to attend European showcase festivals.

Post-Brexit funding arrangements are largely the cause for the sharp decline in the number of UK acts booked.

ESNS receives European Commission funding in the form of an attendance grant per act (€500), each of whom also receives accommodation, food and the provision of backline, lighting and PA.

Commercial festival representatives attending ESNS (approx. 100 of 130 eligible in total) who then go on to secure acts performing at ESNS for their own festivals elsewhere in the EU receive additional funding for each act booked at ESNS. This became complicated post-Brexit, with EU funding no longer applicable for UK artists i.e. European festival bookers attending ESNS do not now receive European grant money for booking UK acts, whereas they did, pre-Brexit.

Despite this - and proof of the strength of UK talent selected to perform at ESNS - in 2024, the Top 3 ESNS acts booked to play across its global

network of 130 festivals were all from the UK: <https://radar.esns.nl/bookings-artist-chart>

The implications for the UK mean fewer acts being able to take part due a funding gap, and the ESNS industry proposition of it being a showcase for European music being challenged by the reduced number of UK acts programmed.

ESNS made a bilateral agreement with PRS Foundation who became an official sponsor to ensure that every artist coming from the UK is funded both for ESNS and any EU bookings that arise from the pool of 100+ international festival bookers attending ESNS. What became known as a PRSF administered International Showcase Fund enabled UK artists to play at ESNS, though not to the same level previously funded by the European Commission. In 2024, just four artists were funded this way <https://bit.ly/4crYX5i>

### 3. Visa issues

Artists don't receive a fee, and therefore, in common with other European showcase festivals not paying artist fees, this is regarded as a non-commercial activity and doesn't require visiting artists to obtain work visas.

### 4. Border delays and inconsistencies in 'policing' movement

Oskar is not aware of delays/ problems caused at borders, but UK bands no longer come at short notice, factoring in additional time to ensure their paperwork is in order, and travel time contingencies.

## Outlook

Demand by UK acts wishing to play at ESNS remains unchanged, and UK applications consistently account for the second highest of all countries applying to take part. In 2023, approximately 750 UK acts applied. Conversely, ESNS wish to book more UK acts, noting that it's purely a matter of financial constraint from the UK that limits the number of acts that can be booked.

Eurosonic is the gateway to the European festivals. Bookers of most of the major festivals in Europe (we have 130 festivals officially in our pool and there are in total about 400 bookers annually) are attending our event. So, if UK acts are not performing at our event, their chances of performing across Europe lower. This might give some context why it is important to keep the number of UK acts high at ESNS.

The UK joining the Creative Europe programme would be one solution that would then make them eligible for European funding. Otherwise, more funding is required from PRSF and its partners. As one of the strongest markets in Europe, UK acts are underrepresented in Europe.

Regardless, ESNS wants to stay connected with UK artists.

## 2. Ivone Lesan – Coordinator, booking department, Primavera Sound, Spain

### Headline stats/ key issues

The number of UK acts programmed pre- and post-Brexit has remained constant, noting that this comes at increased costs to the promoter/ festival.

UK acts face cost increases ranging between 20 and 40%.

UK acts require considerable help with visa applications and related administration.

### Overall impact

#### 1. Increased costs

UK acts have increased their touring expenses up to 40%, and therefore their fees have similarly increased. In order to secure key acts, Primavera has had to increase its budget and tighten up their finances, as a direct result of Brexit.

Withholding tax for EU countries has increased from 19%. For Spain, it is now 24%.

Either way, acts are faced with additional costs, either (1) to secure the expertise required to re-claim withholding tax, or (2) accepting that they lose 24% of their fees in local Spanish tax, only to then be taxed again in the UK on their foreign earnings.

#### 2. Administrative burdens

UK acts are asking Primavera for more assistance with visa applications and administration. Paperwork has become more complicated, and not all acts have expert teams behind them with the time and expertise to follow all the procedures and paperwork.

#### 3. Visa issues

Whereas visas were not an issue pre-Brexit, now artist teams have so many questions, the time spent resolving issues has doubled.

#### 4. Fees

Artists' fees have increased considerably since 2019, and many UK acts are asking for extra hotel nights, and backlines to minimise their paperwork and expenses (and avoid the need for a Carnet).

#### 5. Border delays and inconsistencies in 'policing' movement

Primavera are not aware of border issues that have led to no shows, but aware that bands are factoring in additional time and costs to cross borders.

#### 6. Extended timelines

Smaller acts need to budget well in advance – confirmed tours have abruptly changed at the last-minute due to the costs not being factored into the bands' budgets.

## Outlook

European promoters carry a significant burden of Brexit. It is not UK artists' fault, and promoters don't want to miss out on UK talent by simply not booking them. Primavera's view is that they must deliver UK talent to its audiences, and must, therefore, pay the Brexit price.

### 3. Olie Trethewey – Tour Manager, Riverduke (Sugar Babes, Novo Amor, George Ezra)

#### Headline stats/ key issues

Costs and paperwork are the biggest burden, especially Carnets.

#### Overall impact

##### 1. Costs

Most small-to-medium-sized tours lose money – fees are low and haven't increased, cost of living has impacted everything, but worse are the additional costs of complying with regulations, meaning that many look to merchandise to reduce a loss or break even. Many simply choose to not tour/ gig in the EU - Without question, there are fewer numbers of small-to-medium acts plying the EU circuit.

##### 2. Border delays and inconsistencies in 'policing' movement

There are now so many bureaucratic hoops to moving a truck. Even when everything has been done correctly, circumstances beyond one's control can easily derail travel plans and itineraries, e.g. a ferry company failing to register trucks properly.

Cabotage is an issue, but the haulage companies tend to take care of any issues arising – small-to medium sized acts not using a haulage company are having to navigate issues around Cabotage and Goods Movement Records themselves.

Many border officials have no understanding of the forms and documents presented to them which can lead to further delays crossing borders. Typically, officials randomly check the most expensive equipment at ports and airports, with a greater level of checking at airports, overall.

It is essential to factor in a lot of extra time to cross borders. Some borders are worse than others, with no standard approach across the EU in evidence.

##### 3. 90 in 180-day ruling

A lot of crews work for multiple tours, so this is an issue. Robbie Williams paid for his crew to return to the UK, brought out another UK 'relief' crew to enable compliance with this rule. There aren't many artists that can cover the financial implications of such generosity.

#### 4. Merchandise

Due to export and import duties, local sales taxes and varying caps on allowances, many acts either don't bother with merchandise at all, or take a chance with taking merchandise from the UK without declaring it. Bigger acts use merchandisers with EU-registered premises who then ship directly to venues from their EU-based division.

#### 4. Colin Keenan – Booking Agent, ATC-Live (Passenger, Billie Martin & Arab Strap)

So much has changed since Brexit.

The UK is now a less desirable a location for US artists.

Visiting artists face additional time, costs and administrative burdens meeting both UK and EU regulations, plus a day's contingency at the UK border with the EU.

The rising costs complying with post-Brexit regulation has resulted in artists doing more UK shows and booking agents are taking on more UK acts as a result.

##### 1. Costs

Rates of withholding tax – and the rules - vary from country-to-country within the EU. In general, withholding tax for EU-based artists is 19%; for UK artists (who are now treated as being International), that has increased up to 24%.

US artists (who are also classed as International) can receive up to \$10,000 tax free. UK artists get no such waiver.

Some countries allow show/ production costs to be offset against withholding tax, e.g. if the overall fee for a show is €20,000, some will allow up to 50% of that to be considered production costs and as such, to not be taxed. But all expenditure has to be evidenced – salaries, crew, musicians, agency fees, travel, hotel etc.

#### **Implications:**

- UK artists potentially get taxed twice – by the EU countries they visit at up to 24% and again by the HMRC in the UK. It is possible to avoid this double tax take and offset UK tax liabilities by the withholding tax already paid in the EU.
- This makes for more complicated accounting that takes knowledge, skills and money to be able to pay for professional help. It is unlikely emerging and developing artists can afford the advice.

##### 2. Administrative burdens

The process of obtaining Carnets and their cost stop many bands building out their careers in Europe. The offer of one show in the EU that requires a Carnet makes that show economically unviable.

Acts are finding it harder to tour in the EU so that will affect commission. We also have to be more strategic – travel is more complicated and expensive across Europe, meaning the days of an act playing three or four shows in a festival weekend are, for the most part, long gone.

Routing European touring and making it work especially summer festival touring is more complicated than ever before. It is more work to book less shows, which has a big impact on the work of booking agents.

Whilst the general view is that agents do well. It is sometimes forgotten how much administration required behind the scenes. The changes to tax, particularly more stringent requirements for A1's and Distacco<sup>3</sup> required are a heavy lift in terms of admin-hours, often requiring more people to do this work on fewer shows (and income).

### Implications:

- Artists are delaying their roll-out in Europe
- There are delays to developing a potential revenue stream (gigs and fanbases)
- Puts more strain on the domestic UK touring circuit which is saturated; ticket sales are starting to fall.

#### 3. Visas

Visa requirements are in a state of flux and it's a task to remain on top of changes to regulations.

#### 4. Border delays and inconsistencies in 'policing' movement

There is a fundamental lack of understanding what Carnets are, both at artist level and confusion at the borders, with different countries taking very different approaches.

Delays at borders mean ATC advise all artists to schedule an additional day in their itineraries when crossing from the UK to the EU, and again on their return.

### Implications:

- Artists have missed major festival slots due to customs delays, including Glastonbury
- Inconsistencies in other border forces' knowledge of Carnets across the EU in terms of their purpose and how to proceed. Some border forces

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<sup>3</sup> Distacco - As per European Law if foreign companies have employees coming to Italy to work, they have to comply with a necessary procedure call **Transnational Posting** (aka Distacco). Each foreign company has to submit a communication for posting workers in Italy, but only if they are employees and NOT freelancers <https://servizi.lavoro.gov.it>

don't know what one is, some will want to go through every single item, others will do the bare minimum to comply.

- Additional day per border adds to show costs – fees, hotels and subsistence,

Trucking companies deal with cabotage and related documentation, but you have to be an artist at a certain level to be hiring trucking companies.

### **Implications:**

- To avoid carnet costs, smaller artists hire backline, meaning travelling to gigs free of equipment. But this adds to artists' costs and additional administration burdens of multiple backlines being hired per country visited. As a result, both booking agents and promoters have to do more work, reducing artists' fees, and consequently, artist management commission is similarly reduced.
- ATS Live provide artists and their management with comprehensive information and guidance, but don't take on any of the admin burden themselves – it is up to artists and their representatives to take care of these issues; ditto the musicians and crews booked.

#### **5. 90 in 180-day cap**

It is not just the bands affected: session musicians and crew similarly have to deal with 90/ 180-day restrictions.

#### **6. Merchandise**

Taxable on the way out and on return. The work-around is to use merchandise companies who have an office in the EU and ship directly to each venue. There are some British companies that will do this, but also American ones, which isn't great for independent UK merchandising companies who potentially stand to lose business.

### **Outlook**

For a certain level of act, it is easier for them to make touring the EU work financially as fees are higher, but booking agents aren't more focused on them. It is important to recognise the importance of supporting developing smaller acts to keep the music ecosystem going.

A central resource of information would be huge for funding, creating opportunities and clarifying rules on travel. LIVE does a fantastic job and establishing that organisation was one of the few positives of the pandemic. However, its focus is not on music export, so either having a standalone office or incorporating that function into LIVE would be fantastic for UK music, especially for developing artists.

## 5. Dave Salt – Tour and Production Manager (Level 42, Porcupine Tree, Helena Fischer)

### Headline stats/ key issues

The industry has been hit by regulations that were designed for commercial shipping and trade, not the music industry.

There remains much confusion around the regulations and EU officials not knowing what the rules are.

There is still a lack of clear information and people are still getting it wrong, leading to refusals and fines at the border.

#### 1. Costs

Since leaving the EU, costs have escalated, trucking, bussing, flights, hotels. Tours that use 1 truck and 1 bus are finding it far more expensive than it was pre-Brexit. For larger tours that are using more than 5 trucks and 3- 4 busses, there has not been a huge impact.

#### 2. Administrative burdens

The biggest impact of leaving the EU is the need to acquire ATA Carnets. The main haulage companies now have fleets based in the EU, so most tours by UK acts now start in the EU and finish in the UK; Increasingly, across all levels, production equipment for tours is being picked up in the EU.

There is an economic drain from the UK to the EU in this regard

#### 3. Fees

Fees have not gone up for the mid- to lower-end of the scale. Tours that would have been viable pre- Brexit, get cancelled due to fees not always covering the outgoings.

Implications:

- Most smaller UK bands are doing all the same festivals in the UK and no longer playing ones in the EU.
- EU crews and bands are less keen to visit the UK now as they once were; it's expensive for them to come to the UK, so, both sides of the channel are losing out: crews are picked up in Europe, EU bands need to get ATA Carnets to visit the UK.

#### 5. 90 in 180-day cap

The single biggest factor affecting crews moving from tour to tour is the 90/180-day rule; that same problem exists for the session musicians working with the bands. It is possible to obtain residency permits which need a lawyer to acquire and cost considerable sums (€2,500 per person for Germany). This is helpful as once you have the permit the 90 in 180-day rule no longer applies, but it's very expensive and a complicated process.



## 6. Merchandise

Rules around VAT, duty and Rules of Origin are impacting a band's ability to earn from merchandise sales. – there is a quagmire of paperwork now required.

## 7. Insurance and Healthcare

Using the Global Health Insurance card (GHIC) is no guarantee of fee-free medical treatment, with any such costs then needing to be claimed back from insurance.

### **Part Four. Conclusions and Recommendations**

The Musicians' Union and the wider music industry has, since the referendum was first conceived by Prime Minister Cameron, lobbied on the need for specific provisions to cater for musicians. Without those provisions, leaving the EU would have a significant detrimental impact. This report combined with the other reports<sup>4</sup> bears that out. It demonstrates that independent freelance musicians are, and continue to be, the most heavily impacted.

Our recommendations to the new Government are:

- Engage fully with the sector to meet and discuss how workable solutions to the problems highlighted in this report can be achieved
- Engage with the EU to develop and agree a side agreement that encompasses a cultural exemption to the barriers to culture, trade and growth.
- Work with the music industry to establish an information hub for the sector.
- Stand by its pledges to solve the issues highlighted above without delay
- Develop further funding streams to support UK acts working commercially in the EU such as Creative Europe.

The Labour Party has made the following pledges to the Music Industry to solve the problems that UK musicians face following the UK's departure from the EU. These pledges have appeared in a series of documents in the build up to the release of the Labour Party Manifesto in June 2024.

1. In September 2023 the Labour Party published their **National Policy Framework**. The document that underpins the Labour Manifesto. In response to the lobbying undertaken by music industry organisations the text set out proposals which spoke to the need to require solutions to the problems

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<sup>4</sup> <https://www.ukmusic.org/news/eight-out-of-ten-brexit-hit-music-creators-say-their-earnings-have-plunged-since-uk-left-eu-uk-music-survey-reveals/>  
<https://www.ukmusic.org/news/let-the-music-move-report-highlighted-as-calls-grow-to-help-uk-musicians-tour-eu/>  
<https://www.ukeucommission.org/reports/creative-sector-1>  
<https://www.ism.org/paying-the-price/>  
<https://www.entouragepro.com/insights-brexit#Overall-Demand>

Under the heading, **'Britain In The World'** on page 108 subheading **'A stronger trading relationship with Europe'** was the following:

**'We will also push for an EU visa waiver for UK touring artists and the reduction of other administrative burdens.'**<sup>5</sup>

2. This was followed by **'Creating Growth, Labour's Plan for the Arts, Culture and Creative Industries'**.

On page 8 it states *'Labour will.... Seek arrangements with the EU to facilitate easier touring and cultural exchange'*

Which is further elaborated on under **'Cultural Britain In The World'** on page 24

**'Labour will seek allowances for cabotage, carnets and custom rules for music, performing arts and culture touring. We will work internationally to explore a new Digital Musical Instruments Certificate to simplify and speed up the bureaucracy that prevents many musicians and arts organisations from touring in the first place. Touring has now become near impossible, and we want to make the transport of musical instruments and equipment much smoother, without seeing a return to free movement.'**<sup>6</sup>

3. And then the **Manifesto** was released and within that we have a further firm commitment to address the issues<sup>7</sup>

Under **'Britain Reconnected'** we get a clear manifesto commitment to affect change.

**'...we must make Brexit work. We will reset the relationship and seek to deepen ties with our European friends, neighbours and allies. .... will help our touring artists....'**

In addition to these written pledges, Nick Thomas -Symonds and David Lammy gave speeches to Trade Unlocked in June 2023 that expressed openly a willingness to tackle the problems musicians face.

*'Seize on our opportunity to improve our trade deal with the European Union in 2025 when it comes up for renew.....creating new flexible mobility arrangements for those making short term work trips, for musicians and artists seeking short term visas to tour'*<sup>8</sup>David Lammy Trade Unlocked Keynote speech June 2023

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<sup>5</sup> [https://momentuminternationalists.org/wp-content/uploads/2023/09/WR-366\\_23-NPF-final-report-for-Conference-v10-UPDATE-compressed.pdf](https://momentuminternationalists.org/wp-content/uploads/2023/09/WR-366_23-NPF-final-report-for-Conference-v10-UPDATE-compressed.pdf)

<sup>6</sup> [Labours-Arts-Culture-Creative-Industries-Sector-Plan.pdf](https://labour.org.uk/change/)

<sup>7</sup> <https://labour.org.uk/change/>

<sup>8</sup> <https://www.tradeunlocked.co.uk/trade-unlocked-2023/keynotes-david-lammy>

*'We will act in the national interest...work to reset our relationships with our trading partners across Europe and the rest of the world and that has to include fixing holes in the Trade and Cooperation Agreement in a way that reasserts our shared interests across the continent of Europe.....seek to find new arrangements for those making short term work trips including musicians and artists touring around Europe'*<sup>9</sup>Nick Thomas-Symonds Trade Unlocked Key Note Speech June 2023

There is no denying the passion and frustration felt by those musicians, tour managers, and crew who responded to this project for the situation they now find themselves in.

We are very grateful to the Labour Party for their commitment to assist in solving these problems, we now need action.

We need a mutual solution that allows musicians to work, earn a living and share in the cultural exchange that we know is good for our economy, good for our standing on the global cultural stage, good for growth and business and our physical and mental health and wellbeing.

Musicians' Union  
July 2024.

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<sup>9</sup> <https://www.tradeunlocked.co.uk/trade-unlocked-2023/keynote-bilimoria-thomas-symonds>