# Dealing with Brexit: Open Conversations

**Notes from the January session**

**Date:** Tuesday 25th January 2022, 4-5pm

## Outline of the session

*Dealing with Brexit: Open Conversations* is a monthly online event designed to provide an informal space to encourage information sharing between peers around touring post-Brexit. It is an opportunity to ask questions and to hear from professionals of the outdoor arts sector who've already had real-life experience of touring in a post-Brexit world and who can share learnings from their experience of navigating the new rules, helping to demystify Brexit.

This January session focused on touring to Spain and clarifying the new rules announced in November.

The guest speaker for this session was:

- Hanna Madalska-Gayer, Head of Policy and Communications, Association of British Orchestras (ABO)

Hanna is a public affairs professional with over two decades of experience working in political advocacy and strategic communications. She joined the ABO as Head of Policy and Communications in September 2021 with a background in the performing arts, working in advocacy and communications for the dance sector for the last 6 years where she collaborated with cultural organisations across the four nations in tackling issues facing the sector from Brexit and Covid-19 to cultural education and diversity. Hanna began her career in Brussels and in the European Commission, followed by working for leading international and UK communications consultancies. Hanna served as a Trustee on the board of Akademi South Asian Dance for almost 10 years and has a great personal passion for the performing arts.

The ABO represents the collective interests of professional orchestras, youth ensembles and the wider classical music industry throughout the UK. The ABO is working to support its members as they resume touring in a post Brexit landscape. Hanna's advocacy work focuses on resolving issues of mobility – both inbound and outbound – of people and trucks, as well as customs and border control issues regarding carnets and CITES. This includes recently having compiled detailed accounts from ABO members of their experiences of touring to Spain since Brexit as well as having played a part in securing the Spanish visa waiver for performing arts professionals in November 2021.

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## Detailed notes – Main presentation

In her presentation, Hannah will talk about the ABO is, her role within the organisation and what it's been like for their members to tour to Spain post-Brexit and the recent changes in the regulations for Spain. Speaking from the perspective of touring orchestras (larger groups) but also experience of the touring musicians engaged.

The Association of British Orchestras is a membership organisation that represents the collective interests of professional orchestras, youth ensembles and the wider classical music industry throughout the UK. Support members, and seek to create an innovative, collaborative, sustainable orchestral sector. The ABO has been doing an extensive amount of work to support their members as they resume touring post-Brexit – orchestral sector have been touring more than other parts of the music industry.

Hannah - policy work and political advocacy. Trying to resolve issues around mobility, both of people and of trucks carrying musical instruments and equipment, both into the UK and out of the UK. Also customs and border controls, around carnet and musical instruments that contain protected species.

Hannah's role is to support ABO members, gather case studies and raise the issue with government and politicians to raise awareness and try to propose solutions to enable artists to tour more easily.

ABO recently gathered a number of detailed accounts of their members who were touring to Spain since Brexit (before the change in the regulations). The ABO played a very key role in helping to secure the Spanish waiver for performing arts, professionals that was secured in November 2021.

We don't know the full effects of Brexit on international touring because of Covid, but we know that:

- Brexit has made multi country touring significantly more complicated and expensive.
- The EU now treats UK performers and crew as visa nationals when they're entering the EU to do paid work
- Added challenge of 80/190 rule, limitation of how much time artists are able to spend in the EU (personal holiday included)

UK government is saying that 21 member states offer visa and work permit free routes for performers, including some of the biggest markets like France, Germany and the Netherlands – but this is misleading. The reality is that the conditions for entry vary for each member state with different time limits for days spent working in each country (Austria four weeks per year, Sweden is 14 days per year, for example), and different paperwork for each country.

ABO is also urging UK government to provide accurate guidance on touring to help address confusion, and not rely on the sector to issue their own guidance.

ABO also engaging with cultural bodies in the EU and in Brussels to try to find > helped secured the visa waiver in Spain - one of the biggest markets for UK live performance.

Spain had one of the most onerous visa and work permit processes in the EU prior to November. The situation was as follow:

- British citizens were previously subject to Spain's general immigration regime and needed a visa to engage in professional and artistic activities in Spain, even for short engagements.
- Could only spend a maximum of five continuous days of performance or 20 days in a six-month period.
- Significant amounts of time and resource to apply for resources > loss of income because artists were unable to work during that time.
- Need to apply in person at the Spanish embassy or visa centre and to give up their passport
- The cost per visa was £200 per person.
- Amount of financial information that was required was invasive

**In mid-November 2021 Spain waived the requirement for obtaining visas for artists touring to Spain for short-term engagements** > incredibly welcomed news.

The new guidance applies to all third country nationals, so that includes UK nationals, carrying out artistic activity performed before the public or recording of any type to be distributed via mass media within a period of **less than 90 days**. This includes artists as well as technicians and any professionals taking part in those activities.

There are some requirements for touring artists (fairly standard compared to other EU countries):

- Being able to demonstrate if required the professional relationship with the promoter in Spain,
- Travel medical insurance that covers the entire period of stay,
- Proof of sufficient financial resources, such as an employment contract
- A1 Social Security certificates, which are all quite standard.

One issue: Spanish government included a requirement in the new regulations that each individual must on arrival in Spain apply in person at a local police station for a foreign identification number - in Spain it's referred to as an **NIE number** (fiscal number attributed to an individual). It's an administrative requirement – you only need to apply once, keep the number for life, but applications needs to be done in Spain, in Spanish. Applies to all third country nationals.

- Unmanageable for a hundred musicians and crew to get processed by the police in time between landing, rehearsing, performing, when the orchestra may be in Spain as little as one day. The reality is that touring artists are not managing to apply for this number.

ABO working on changing the process, advocating for the possibility of applying for an NIE number in the Consulate the UK.

Promoters in Spain telling ABO members that they don't need the NIE and that this will be covered by the A1 Social Security certificates >not correct.

Access to Spain is now much easier, despite the NIE complications.

ABO continues to advocate a relaxation of entry rules into states such as Croatia, Greece, Portugal, Cyprus and others.

## Notes from the Q&A

- **Can you please clarify how long we are allowed to spend in Europe?**

Within Shengen it is 90 days within 180, and most of the EU 27 states apply that, most are permit free with that time period, but it varies from country to country. The 90 day rule is challenging because everything count towards your 90 days – including holidays.

This applies to all third country nationals – including UK nationals. Based on the individual's nationality, not where the company is based.

- **Can you tell us more about the A1 certificate?**

Most European countries require A1 certificates, which are Social Security contribution certificates. A1 requirement varies from country to country. Some countries are extremely insistent on it (particularly in southern European countries, France and Spain), others are more lenient.

There are often delays in getting the A1 certificates through HMRC - ABO have been speaking to government officials about whether there is any way to digitise the process.

- **You mentioned documents to get the NIE registration in Spain, what are they?**

- Application form that has to be filled out, which you get from the Spanish consulate website. They have links that will take you to the various requirements.
- The supporting documents can be a work contract, something that demonstrates that you have enough funds in your bank account to sustain yourself when you're in the country, sometimes they will require to see the medical insurance cover.

There are standard documents but it can kind of depend on the mood of the day of the officer that you're seeing, and this is part of the reason why we're working so hard to remove this requirement to do this in person in Spain because it will vary region to region, depending on the officer you get. Generally it will be proof of work, proof of financial funds, proof of health insurance. Costs about 12€.

- **When we tour we tend to travel with a driver. Do you know if they would qualify for the Spanish visa exemption or whether we need to get one of our technicians to be driving?**

The visa waiver applies to crew, so anyone who is involved. It is a good question about whether the driver qualifies. If they're associated with the production then they should qualify - but would have to triple check.

- **Could you explain what cabotage is?**

Pre-Brexit UK haulers were able to take their trucks across Europe without restriction. Since Brexit we are now subject to new road haulage limits. **Cabotage** is the movement of goods between two places within one country. **Cross-trade** is from one country to another country.

Now under the new TCA rules, you can only do two stops or two unloads of your set after your initial journey into the EU and it has to be done within seven days.

- **We have our own vehicle. Are you saying that we can only make two unloads even if we have our own vehicle?**

What the rules limit is how many places and times you can stop and unload your truck before having to come back to the UK. You can only make two stops within one country after you've originally arrived to your original destination and then you have to come back to the UK or one stop in one country, another stop in another country and then you must come back into the UK. It is extremely restrictive. Where own account operations are concerned, the same applies.

There is an exemption for in the music industry anyway, for splitter vans (people and equipment in the same van).

- **When you say splitter vans, it has to be a van that's constructed as one part load and one part people because all vans are like that. We're a puppet company and all our equipment and puppet but also the performers, but it's not a technically van which is designed to be split, but we are performers with kit. Can we be called a splitter van?**

On splitter vans, the Musicians Union may be able to help. They will have a lot more detail of what exactly constitutes a splitter van, but a lot of these questions, we don't have a clear answer to from officials, so we're figuring it out as we go as well. The splitter van exemption was only confirmed towards the end of 2021, so a lot of confusion around it remains.