Dealing with Brexit: Open Conversations #10

March 2023

Date: Wednesday 1 March, 2-3 pm

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 in the outdoor arts sector who've already had a 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.
For this 10th session, we were delighted to be joined by Terry James, General Manager at Rock-it Global, a freight forwarding and logistics company. Terry works with many British companies touring Europe post-Brexit and shared his experience of moving goods and vehicles to Europe.

After hearing from Terry, we had about 20 minutes for a discussion together about some of the challenges attendees might face and the questions they might have.

Disclaimer: The information included in this document is for your reference only and does not constitute legal or immigration advice.

Detailed notes – Main presentation

Terry James
Terry talked about the different procedures for the movement of goods and people after Brexit and shared key insights on the following:

- Cabotage & Cross Trade
- Operators Licence requirements
- ATA Carnet process
- EU Weight and size regulations for vehicles
- Current EU Pre-Notification requirements
- ICS2 New EU Pre-Notification Rules

Introduction

It's important to know that, until now, vehicles have hardly been checked. This is now changing and people are getting stopped more often as well as being required to show proof that they have gone through all the necessary processes and have the right paperwork in place.

Operators licence

There are three types of licences, each of which is specific to the activity carried out:

The standard national licence
This licence means you can carry:

- your goods in the UK and internationally
- other people's goods in the UK

You can also take loaded trailers to or from ports within the UK as part of an international journey, as long as your vehicles do not leave the country.

Standard international licence

This licence allows the same conditions as the standard national licence, but it also permits you to carry goods outside the UK.

After you get a standard international licence, you can also request the issue of a UK Licence for the Community. A UK Licence for the Community allows:

- trips between all EU member countries
- transit traffic through EU member countries
- cabotage (a journey entirely within one EU country)

Restricted licence
This licence allows you to carry your goods, but not other people's goods.
Your licence will continue to be valid as long as you pay your continuation fee every 5 years and operate within the terms of your licence. You'll be contacted every 5 years to make sure that your licence shows the correct information.

Contact the Driver and Vehicle Standards Agency (DVSA) if you have any questions about vehicle licences.

The ideal scenario for most outdoor artists is to have:

- **a UK License for Community**
  and
- **international standard licence to allow for cabotage and cross-trade**

UK Haulage jobs in the EU

You will need a copy of:

- a standard international licence
- a UK Licence for the Community

What vehicles require a licence

You will need a licence to carry goods in a lorry, van, or any other type of vehicle that is:

- over 3,500 kg
- the unladen weight of more than 1,525 kg

You don't need an operator licence if you have a motor vehicle and trailer combination that has an unladen weight under 1,020 kg but you can only carry your goods.

Whereas before this was not the case, splitter vans are now being rolled into the same category as commercial vehicles.

You will need a licence if:

- The motor vehicle and the trailer(s) are plated and the total of their gross plated weights is more than 3,500 kg.
- The total unladen weight of the vehicle and trailer combination is more than 1,525 kg.

There is a DVLA link on gov.uk website to register for an operators licence.

Vehicles carrying goods for hire and/or reward in Europe:
If you're being paid for a performance, you still classify as an operator and need a licence.

You will need a standard international licence if you are carrying other people's goods for hire or being paid to. Below you will see the requirements for a licence if you are being hired or paid to drive in Europe:

- vehicles that meet the weight limits for motor vehicles or motor vehicle and trailer combinations
- vans with a maximum authorised mass (MAM) over 2,500 kg
- vans towing a trailer with a gross train weight (GTW) of over 2,500 kg
- cars towing a trailer with a GTW over 2,500 kg

This applies in:

- the EU
- Iceland
- Liechtenstein
- Norway
- Switzerland

Cabotage and Cross trade

Cabotage is loading and unloading goods in a country with a vehicle registered in another country.

Cross-trade is loading goods in one country and unloading them in another country, with a vehicle registered in a third, different country.

Unless on the exceptions list, all Cross-trade or cabotage jobs must be notified or 'posted' in advance on the EU system. https://www.postingdeclaration.eu/landing You have to declare your movement on this website, there is no fee but you have to register.

When and where UK haulers can carry out cabotage and cross-trade jobs:
You can carry out up to two haulage jobs in the EU after dropping off goods in the UK.
For example, if you drive to France and drop off your goods and make a trip to Germany with the same goods, that counts as two stops and you would have to return to the UK before doing another trip. All this must be completed within seven days before coming to the UK.

Example: You can drive to France, do two performances there (cabotage) and then cross over to Spain (cross-trade) but you then need to come back to the UK within seven days (counting from the moment you arrived in France).

Note that what classifies as a 'stop' is loading and/or unloading. Rest stops do not count.

If you are moving with an empty van, it doesn't count as one of your moves, as this is called unladen. You also don't need to follow the cabotage and cross-trade rule, if you are:

- dropping off goods in the EU that you're transporting from the UK
- picking up goods in the EU and dropping them off in the UK
- transporting goods for a non-commercial purpose

Documents needed for cabotage jobs:
When you're carrying out cabotage jobs in the EU you must have documents with you to show the following:

- the name, address, and signature of the sender and haulier
- the place and the date you picked up the goods
- the place you are delivering to
- the name, address, and signature of the international consignee with the date of delivery

- a description of the goods, the method of packing, the number of packages, and their special marks or numbers
- the gross mass of the goods or their quantity
- the number plates of the vehicle and trailer

A CMR (template available here) accompanied by ATA carnet will cover all the points above, as well as your licence.

You must declare your journeys, regardless of the vehicle and the licence you have. This includes:

- cabotage jobs (loading goods in one of these countries and unloading them at another point in the same country using a UK-registered vehicle)
- cross-trade jobs (loading goods in one of these countries and unloading them in another of these countries using a UK-registered vehicle)
- moving goods for your business use inside these countries, including if your business is not mainly about moving goods

You must make a declaration when you use any of these vehicles to transport the goods:

- heavy goods vehicles (HGVs)
- HGVs towing trailers
- vans of any size or other light goods vehicles (sometimes called ‘light commercial vehicles’)
- vans towing trailers
- cars towing trailers

When you don’t need to declare:

- When the driver is using an empty vehicle
- from the UK to one place in Europe, where you can both unload and load goods
- from the UK to Europe, and you unload goods at more than one place in Europe (but you cannot load goods in Europe)
- from Europe to the UK, and you load goods at more than one place in Europe (but you cannot unload goods in Europe)
- from the UK to a non-European country (but you cannot load or unload the goods while you’re in Europe)

Regulations

Driver hours - in the EU you're not allowed to drive more than 9 hours in a day, 56 hours in a week, and 90 hours in two consecutive weeks.

Maximum dimensions of a vehicle in the EU: 16.5 metres (m) in length, 2.6 m in width, 4 m in height, and 40 tonnes (t) in weight

You must operate according to the EU regulations even if you are a UK resident and driving a UK vehicle.

ATA Carnet process

Once you have an ATA Carnet, you will need to do the GMR (General Movement Reference). Terry can provide this service to the artists free of charge. Artists will need the ATA Carnet, car details, and driver's details.

Once you have the GMR you can get the ATA Carnet stamped and the border control will let you go through the check-in process. The customs will also determine whether you need to go through any additional inspections or checks. Regardless, you still need to go through

customs in the EU to get your ATA Carnet stamp. Then once you're in the EU you can have free movement there.

The signatures in box J must match the signature in any authority letters in the carnet. The authority letters must have the names typed, not handwritten.
Some EU countries ask for a photo if there is no serial number on the items in the carnet list. It is recommended that you take pictures of everything that does not have serial numbers in case you are stopped (this can happen especially in Spain and Germany).

Regardless of whether you are travelling for a paid or unpaid performance, if you are transporting goods that do not belong to you solely, you need an ATA carnet.

If you are travelling using your own car and transporting your own goods, the recommendation is not to take up an ATA carnet so you can keep moving and come back. The same applies for personal musical equipment, as long as it's owned by yourself.

Safety and security declarations
If you have a carnet, that is your safety and security declaration,

EU pre-notification for entry

Pre-notification for entry into Spain
Spain, Belgium, and Holland will require a pre-notification for entry. This is a custom entry and forward to the country you are arriving in. You won't be allowed directly to those countries unless you have done this process. Terry recommends a broker to support this process. The recommendation is to go through France first, do the GMR with the carnet, and then move to one of those countries. Terry can support those procedures if necessary or signpost.

Ireland also has a pre-notification for entry, in which you have to go to their website, give a carnet and registration to create a PBN (pre-boarding notification) and they will let you on the ferry. You will also need to follow the same procedure on the way back to the UK

This can be done on the following website:
https://www.revenue.ie/en/customs/businesses/electronic-systems/roro-service/pre-boarding-notification.aspx

Northern Ireland
The deal is only in the draft state currently, but the revised NI Protocol will require the pre-notification of shipments going into Northern Ireland from the rest of the UK.

Shipments from Northern Ireland to the rest of the UK will still not need any declaration.

The deal is yet to be confirmed and accepted.

Note on France
It can be difficult to find the offices in Calais to get your ATA carnet stamped (there are 2 different offices, one for when you arrive and one when you leave).

ICS2 – EU Pre-notification requirements

This will be a new system starting from 1 March 2023. You need to pre-notify any country in the EU before a shipment can travel to the EU. The option to go via France mentioned previously will not be viable from 31 March.

Resources

Gov. UK is the main website to offer advice, and artists are recommended to check the website on the rules regularly or their broker for information.

Operator Licence info :
https://www.gov.uk/being-a-goods-vehicle-operator

Cabotage info :
https://www.gov.uk/guidance/international-road-haulage-jobs-inside-an-eu-country-or-between-eu-countries

Cabotage declarations :
https://www.gov.uk/guidance/declare-youre-transporting-goods-inside-the-eu#types-of-journeys-you-must-declare

Brexit Team – Useful advice and reference material
https://brexit.team

UK Inland Border Facilities - allows to find information on carnet stamp and where their facilities are
https://inlandborderfacilities.uk/

Ireland Pre-Boarding Notification
https://www.revenue.ie/en/customs/businesses/electronic-systems/roro-service/pre-boarding-notification.aspx

Blair Consular Services (VISAs and work permits) - they provide advice and support for artists travelling to the EU
https://www.blairconsular.com/en-gb/

Q&A

Participants were welcome to ask questions regarding the movement of goods.

Q: Artists didn't realise that cabotage also applied to vans travelling into the EU. One of the artists shared their experience where they were put through a passenger route and had difficulties in finding the carnet officers. They were not aware of the pre-notification requirement either.
A: Yes, any vehicle over 2.5 tons will need to follow the cabotage rules.

Q: Do you recommend having a photo of anything without a serial number?
A: Yes, it's not something that's on the carnet rules for all countries in the EU, but Spain and Germany have this as rules and it's recommended. Terry understands it's difficult to have those photos in advance for the carnet and is investigating with the London Chamber of Commerce and Industry and will share any news with the artists.
UPDATE: Since the session, Terry has discussed with the London Chamber of Commerce and they have advised there is no such rule and these countries should not be asking for photos.
HOWEVER, IN THE REAL WORLD: Terry would strongly advise still taking photos of non serial items. Spain and Germany are continuing to ask for photos, so it is safer to comply with this request than argue with Customs.

Q: Is it ok to give second authorisation to the drivers, or can the driver be named on the carnet?

A: You can have an authority letter, an extra page on the back of the carnet. It needs to be signed with the same signature on the front of the carnet. It needs to be printed names and provide copies to keep.

Q: Can you edit the carnet list, for example, take items off the list after the list has already been produced?
A: You can 'omit' items when signing out the carnet. You cannot physically remove items from the list, but you can selectively export certain items.

If you like to discuss this, Terry is available to explain it further.

Q: One artist mentioned they have a van with gear for their show and an ATA carnet, although no photos of those items in the carnet. When they arrive in their country of destination will they need an operator's licence?
A: You will need an operator's licence to operate in the UK, you can apply in the DVLA and the GOV.uk website will give a guide on how to apply for one. To travel in the EU, you will need a standard community UK licence and a Standard International licence.

Q: What is a GMR?
A: It ties the vehicle to the customs document. To get a GMR, you need to have a gateway account and submit an application through the GOV.uk website.
You can also contact Rocket Global for information on the process.

You will need a carnet to get a GMR. If you travel as a passenger and without the customs document, when you get to the EU you will need to present the carnet and they will ask for the GMR. It's possible to do but it will add layers of compilations. It's advised to get a GMR ahead of your travel.

Q: What are the number of stops you can do on cabotage?
A: You can do a max of 3 stops, the first two are in the country, and then one outside of the country. Unloading constitutes a stop.

Q: Do stops apply to anyone doing a commercial trip? Was there a different agreement to a splitter van?
A: Yes but splitter vans are now being rolled into a commercial trip. Before these vehicles were under a different rule, although splitter van/buse now considered a commercial trip. Unless you're travelling with your car and not travelling for commercial reasons. For example, if you're travelling in your car, with your goods and not being paid for an event in the EU you don't need a carnet as it's your own personal goods. It also applies to personal music equipment. If they are not getting paid they don't need cabotage or a carnet. If you have one piece of hired equipment, you need a carnet.

If you are not getting paid for the event, you can still get per diem and not count as commercial. Only if you get paid, then you will need the customs documents above. This rule only applies to a person, not a company, for example, an independent artist with their equipment and not being paid.

If you have any further questions regarding movement of goods and people, you can contact Terry on terry.james@rockit.global

Additional links and resources

Checklist for travelling to the EU

Artsadmin's guide to touring across Europe for UK performing artists and companies offers a practical step-by-step overview of what you need to think about ahead of an engagement in Europe. They also have country-specific guides for 19 countries, which include specific information on funding, VAT, tax, moving people, props, and sets. Here you can find the direct link to the guide for travelling to Spain.

Each country has specific Visa requirements. There are various Mobility Info points that can help in specific countries, more info here

For artists coming to the UK, there's a comprehensive list of resources available on the Arts Infopoint website

For people who are new to touring internationally, we suggest you check the recording and notes of our International Touring with Brexit workshops, which cover the absolute basics of what needs to be considered when preparing an international presentation in a post-Brexit landscape.

Finally, don't forget to check our Dealing with Brexit page for a full resource list.