Dealing with Brexit: Open Conversations

Notes from the May session

Date: Tuesday 24 May 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 May session will be an opportunity to hear from Louise Richards, executive director of Motionhouse, who will talk about her extensive experience touring around Europe and beyond, and how Brexit has impacted the processes and planning of international touring.

The guest speaker for this session is **Louise Richards**, the founder and executive director of Motionhouse.
Under Louise's direction, Motionhouse's repertoire has expanded to include outdoor work and has produced many acclaimed large-scale productions that have made them a well-respected player in the UK arts sector.
Originally a dancer and choreographer, she remains closely involved with the performing company and creative process. She is a Fellow of the Royal Society of Arts.
Louise will talk about her extensive experience touring around Europe and beyond, and how Brexit has impacted the processes and planning of international touring.

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

Detailed notes – Main presentation

As a reminder, our *Dealing with Brexit* events are designed to offer an informal space to encourage information sharing between peers around touring post-Brexit. This event is supported by Arts Council England as part of XTRAX's ongoing work to support to outdoor arts professionals to continue to work internationally post-Brexit.
You can find more Brexit Resources on our website.

XTRAX's Practical Guide to Brexit: https://xtrax.notion.site/A-Practical-Guide-to-Brexit-for-Outdoor-Arts-Touring-Companies-16927929c0184de09023e99e67f3fcad
Free visa and work permit advice service: https://www.surveymonkey.com/r/MFLJTPC
List of Brexit resources: https://xtrax.org.uk/brexit-resources/

If you have any queries about Brexit, please send an email to irene@xtrax.org.uk

We were joined by Louise Richards, executive director of Motionhouse, who talked about her preparation for touring in several European countries this summer, and explained the different approach and information needed for each country.

Following the talk, we had a 20-minute discussion about some of the challenges faced by the artists and questions. This session was meant to be informal, and to provide a supportive space for anyone with questions around carrying work post Brexit.

Louise is not a qualified expert in Brexit, but she's written and spoken extensively about the subject of bringing art/performance into Europe and the discoveries along the way. You have to go through the experience to fully understand the procedures, and what she is finding is that every country and experience is different. Everyone's experience isn't necessary the same, depending on the country and the situation you will face a different experience at the border control. The legal and formal situations change, and you can never be too prepared. Louise shared the worst experience where a performer had to provide an extensive list of documents and vetting before being allowed in the country whilst others entered with no problem. It seems to depend on the individual at the border as much as everything. It's very difficult to get a consistent advice, but the Arts Admin and Viva La Visa are the most reliable for advice around Brexit and border control.

Most countries have removed the need for work permits (with the notable exception of some including Greece, Portugal and Italy), but as a general rule 90 days in 180 is the maximum time in the Schengen area for UK citizens. Louise has set up a red flag system for her company to keep track of how many days the staff have been in the EU, so they don't go over the limit. She has had to also ask to be informed of any personal journeys as these could impact the company's ability to deliver work commitments.

The **A1 form** is a critical document to make sure you're not eligible to pay the taxes in the EU country and shows you are contributing to National Insurance in the UK. Motinohouse has been printing out these and all the documents required for the travel and ensuring the artists have those copies when traveling in case they are questioned at borders. Louise suggested all artists do the same, to avoid being denied entry for any missing documents. If the performers are employed by the company, it's easier to prove they are paying taxes in the UK than perhaps for freelancers.

The GHIC card is another critical things to have for all performers to ensure they have access to health care in EU.

Motionhouse work with a freight company to tour their larger indoor shows but use their own truck to tour their outdoor work. In both cases the key areas to know about are Carnets, cabotage/cross trade and import and export documents. Their show WILD has so far gone into Germany and will also go to France, Spain, Sweden, Netherlands, Ireland and Latvia this summer. For the first few trips they are getting support from a specialist company, Rock-It Global, to ensure they wholly understand the paperwork and other requirements before 'going solo'

You need a carnet for traveling with any goods, which is based on the value of goods and the length of use, period in which you will travel. It can also be impacted by the number of gigs you do.
Alongside the Carnet itself – a passport for your stuff, there are vouchers for both import and export on both sides of the channel and other documents which must be accurately filled in.
Once you create the Carnet you can't add items on it but you can omit items from it for individual trips.

Carnet

London Chamber of Commerce and Industry are the most efficient in supporting you with your carnet. Some larger organisations have a membership, which gives a discount on training and other services.

- Carnet price is based on how much you're traveling with and the length of your travel - Based on a set worth £20k, Montionhouse paid £465 for their carnet. The next part of the process is the customs import and export (£150 going out of the country and another £150 for coming back, from the 1st June). You get vouchers (a yellow paper when you leave and enter the UK, and a white paper when you enter and leave the EU).
- To make the declaration you need an Economic Operators Registration and Identification number (EORI number) to declare you are a company in the UK.
- You need to go to the inland border facility before going to the port/border, who can help you with the documents you need to fill out. Bring all the documents you need to travel in advance when going to the inland border facility. Motionhouse have found them to be very helpful so don't be afraid to ask questions
- When your carnet expires you need to return it.

When you register at the Goods Vehicle Moving Services you get a Goods Movement Reference Number, which can be checked at the gov.uk website. This has the number of the vehicle and the name of the driver attached to it and is used to monitor your travel.

Logistics

- You will now need a UK sticker on your vehicle, not a GB.
- The UK driver license is still valid.
- You need to know your vehicle size and weight as many countries have restriction, i.e. you can't drive in certain areas if your van/truck is a specific size during specific time, etc.

It's important to have conversations and negotiation with companies in the EU to make them aware of the situation around Brexit and the financial costs tied to it. It's unlikely that you can increase your fees but you may be able to share carnet costs for example.

Cabotage

Cabotage is the transport of goods or passengers between 2 places in the same country by a transport operator from another country

Cross trade

From a country to another country with a vehicle from a 3rd country (if you go to more than one place in different countries)

The gov.uk can be quite helpful in giving the general information about the difference between cabotage and cross trade as well as with steps you need to take.

Withholding taxes

Germany seems to be particularly big with withholding taxes. Tax is deducted based on the value that is paid to you and that tax is 17% of the fee. This is based on the proportion of the fee assumed to be paying people, so Motionhouse have worked with promoters where necessary to break down the fee into a smaller proportion being for payment of people and a larger being expenses etc

As a general rule Motionhouse pass all local taxes on to the promoter but has had conversations with German presenters about how much additional cost and work this creates for them so Louise mentioned to have these conversations with the promoters as early as possible and arrange negotiations that work best or both sides.

Q&A notes

- Withholding taxes are not repayable from the local promoter's perspective but form the UK artists perspective it might be repayable when back in the UK.
- It's also important to consider additional insurance, such as travel and medical insurance.
- If a company hire a freelancer to travel overseas, do you need an A1?
    - The A1 is related to a person, so they will need one. This is to prove they are paying national insurance in the UK. They should also travel with the contract for the work and an invitation letter to show at the border control. Motionhouse send standard wording to EU presenters and ask them to put it on their headed paper to make this process easier.
- Proving financial stability at the border – writing a letter with the per diems' allowance, where they are staying and any evidence around the finance stability of the performers during their stay. Also, evidence of return travel may be asked for.
- You must remember to stamp the carnet when leaving the country, the onus is on the person leaving/entering the country to ensure this happens and it can be very difficult to find the person to do this in Calais for example. Under no circumstances leave the EU without being 'stamped out' or your stuff will be deemed to still be in the EU.