



# PEARLE

## FAQ ON THE EU - UK TRADE AND COOPERATION AGREEMENT

### AN OVERVIEW OF 10 ISSUES FOR THE LIVE PERFORMANCE SECTOR ANSWERED IN ONE MINUTE\*

#### SHORT STAYS FOR THE PURPOSE OF WORK

*Do I need a visa and/or work permit to perform or provide services in EU?*

It depends on the Member State. Either one or both might be needed, or none (e.g. in case of an exemption). This has to be checked with the respective consulate.

*What are the conditions to perform or provide services in UK?*

For short stays check the following options:

- Permitted Paid Engagement => stays up to 30 days;
- Permit Free Festival => for festivals listed on Home office list
- Tier 5 Creative & sporting => stays up to 12 months
- Tier 5 Concession => up to 3 months

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#### SOCIAL SECURITY / POSTING

*Can I continue to use the portable document A1 in the EU and the UK in the framework of the social security coordination rules concerning posting workers or working in more than two countries?*

Yes, the document continues to be accepted and should be taken on tour.

*Does the posting directive continue to apply and as a consequence are the requirements on notification still valid?*

The posting directive no longer applies, as UK companies are now posting from a third country. However, the conditions may not be more favourable than the country of destination. It should be noted that it is up to the Member States to decide whether notification is (still) required.

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#### TRAVELLING WITH MUSICAL INSTRUMENTS - CITES

*Do I need a CITES certificate when travelling to the UK?*

If you travel with an instrument containing protected species such as ivory, a CITES certificate is needed when crossing the EU-UK border. This is because you cross an international border. As a musician, you can use a CITES Musical Instrument Certificate (MIC), valid for three years. An orchestra can use a CITES Travelling Exhibition Certificate (TEC) for all instruments when traveling to the UK.

*Can I use all airports and other entry points in the UK/the EU?*

When travelling between EU and UK only specific ports of entry can be used with protected species. The EU just updated their list ([list of EU ports](#)), the UK also has a list ([list of UK ports](#)).

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#### TEMPORARY EXPORT/IMPORT OF GOODS

*Do I need to pay custom duties for the temporary import/export of goods used for a live performance?*

There are no custom duties to be paid in such a case, unless they are intended for sale (merchandising).

*Do I need an ATA-carnet for temporary import/export?*

Temporary admission of goods does not necessarily require an ATA-carnet. Ask the customs authorities of the respective country you travel to and back from. If you want to be on the safe side, use an ATA-carnet.

*What about small musical instruments carried by a person?*

Musical instruments carried by an individual can be taken without customs declaration. Pass through the 'nothing to declare' exit.

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#### SPECIFIC GOODS AND PRODUCTS

*Do I need a licence or a certificate to travel with pyrotechnics aimed at being used on stage?*

When travelling with pyrotechnic articles used on stage, check whether a certification by an UK/EU notified body is required under the UK/EU product legislation and make sure that the product labelling is adapted. It is advised to ask the customs authorities of the respective country you travel to and back from.

*What about stage lighting that is taken on tour for a performance?*

Even if the light sources contain hazardous substances such as mercury, no specific certificate is required to travel with those lamps. See point 4: If you want to be on the safe side, use an ATA-carnet.

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## ROAD HAULAGE / CABOTAGE

*Do our trucks/drivers need a licence when crossing EU-UK border?*

No, so-called 'own account operations' such as in the live performance sector do not need an operator's licence to cross borders between EU and UK.

*Can touring companies and groups coming from the UK tour as before through European countries?*

Probably not. Own account operations are subject to the same market access restrictions as professional hauliers are (=Cabotage rules): that means 3 stops in one country are allowed before returning to the country of origin.

*What about European groups touring in the UK?*

It is expected that UK rules will mirror the above mentioned EU rules (3 stops before returning).

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## VAT

*Are there still VAT rules applicable between an EU country and UK when selling goods?*

No, EU VAT rules no longer apply in GB (i.e. not N-Ireland). But instead they are subject to customs formalities. One must have an EORI number and register in REX before each transport customs declaration (EXS from EU to GB).

*What about selling services between businesses?*

The supply of services by a UK business to an EU business is now taxable in the Member State where the customer is established. The customer will be liable for that VAT. The supply of services by an EU business to a UK business is considered as being situated outside the EU and are now covered by UK domestic VAT rules.

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*(VAT) Are there specific rules when selling services (such as tickets) to consumers?*

A service supplied to a UK private individual is liable to VAT in the EU country of the supplier. A service supplied by a UK organisation to a private individual in EU is not taxable under EU VAT law. However, online services (like tickets for streamed performances) are liable under EU VAT rules.

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## TAXATION

*Does anything change as regards taxation issues when performing in EU or UK?*

No, taxation is governed by bilateral double tax treaties between two countries. So the current rules continue to exist.

EU organisations can contact the FEU-Foreign Entertainers Unit in the UK for more info.

## COPYRIGHTS

*How does Brexit affect copyright clearance when performing in the UK?*

The most important aspects such as eligibility for copyright protection and duration are not affected as copyright is a right provided under national laws in accordance with international treaties that a country has signed. UK copyright works will still be protected in the EU and vice versa.

*Will there be an effect on collective rights management?*

The organisation of collective rights management might change though, as collective management organisations (CMOs) in the European Economic Area may not automatically represent UK right holders and collective management organisations from the UK as of 1 January 2021.

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## DATA PROTECTION

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*Can I still transfer data between the EU and the UK as before?*

Yes, this is still possible. An interim solution has been found on data protection for the next 6 months (until end of June 2021): So, for the time being, personal data can continue to be exported from the EU to the UK and vice versa without implementing additional safeguards.

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The EU decides about the equivalence, or "adequacy" between Brussels' and London's data protection regimes. In the meantime, the data protection rules of the transferring Party apply.

## ABOUT PEARLE\* - LIVE PERFORMANCE EUROPE

Pearle\*- Live Performance Europe is a European federation representing through its members more than 10,000 theatres, theatre production companies, orchestras and music ensembles, opera houses, ballet and dance companies, festivals, concert halls, venues, other organisations within the performing arts and music sector across Europe, as well as

service suppliers. The aim of this non-profit making organisation is the establishing of a stable environment by supporting sustainability and promotion of the Live Performance across Europe.

[www.pearle.eu](http://www.pearle.eu)



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Disclaimer: This note has been drafted with great care. It is subject to modifications. As the answers are very short, they may not cover all issues. Further explanation can be found in briefing notes accessible to members of Pearle\*.