IMPACT OF BREXIT ON MUSICIANS:
FOURTH REPORT – MAY 2019

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RESULTS SUMMARY

THIS REPORT PUBLISHES THE RESULTS OF THE INCORPORATED SOCIETY OF MUSICIANS’ FOURTH SURVEY OF THE IMPACT OF BREXIT ON THE MUSIC PROFESSION, AT THIS STAGE IN THE PROCESS.

The report’s findings should be viewed in the context of the previous three ISM surveys conducted between October 2016 and May 2018, building on the evidence base with which to inform government policy throughout these unprecedented times.

Since the previous report was published in July 2018, the Brexit landscape has changed considerably and continues to evolve. The past ten months have been uncertain and fluid; the Cabinet has seen three different Secretaries of State for Exiting the European Union in post during that time. The Government’s Withdrawal Agreement, despite approval from the European Council, has been voted against three times by the UK Parliament. MPs have voted to rule out a ‘no-deal Brexit’, reinforced by the Cooper-Letwin Bill, and MPs have undergone rounds of so-called indicative voting on alternative options. On 20 March 2019, the Prime Minister was granted by the EU a short extension to Article 50, and on 10 April 2019, this was (‘flexibly’) extended until 31 October 2019. At the time of publication, the Withdrawal Agreement is still officially the Government’s desired outcome. However, the indicative votes revealed the popularity of alternatives such as ‘Common Market 2.0’ or a customs union, and there has been increasing support for a confirmatory public vote, so the situation remains fluid. Indeed, at the time of publication, there are ongoing talks between the Government and the Labour Party about a possible way forward, including a possible customs union.

The UK’s music industry – contributing some £4.5 billion a year to the UK economy – is globally dominant and forms a central part of our creative industries which, valued at £101.5 billion a year to the UK economy, are equivalent to the construction or banking industries. Music is also central to the UK’s place in the world and its soft power. Music is an essential part of the UK’s national identity, from the London Symphony Orchestra and its ground-breaking streaming service LSO Live, to pop sensations like Adele and Ed Sheeran. The UK is today one of the few net exporters of music worldwide – one in eight albums bought worldwide in 2017 was by a British artist - generating billions of pounds in exports.

The music profession, upon which the prosperous music and wider creative industries rely, has a very high proportion of self-employed, freelance or portfolio musicians – who will be (and indeed already are being) affected by any reduction in freedoms of movement, goods and services. This sector is already struggling with poor rates of pay and if opportunities for work in the EU27/EEA continue to fall because of Brexit, there will be doubts about the sustainability of the music profession.

The results of this survey show that Brexit has caused large-scale uncertainty and concern among musicians about any future ability to work in the EU27/EEA. Most notably, the complexity of Brexit negotiations and the lack of accurate information both for musicians who work within the EU27/EEA and for those who engage them has had a negative impact on musicians’ work.

The report by Dr Naomi Bath, Senior Research & Policy Officer
MOBILITY & VISAS

FREEDOM OF MOVEMENT IS CRUCIAL FOR MUSICIANS’ WORK.

85% of survey respondents visit the EU27/EEA for work at least once a year, 22% visit the EU27/EEA more than 11 times per year and more than a third (35%) spend at least a month per year working in EU27/EEA countries. 40% travel to more than one EU27/EEA country in visits that last more than one day and 44% visit more than one country per visit. Most notable however, is that according to the survey results one in seven musicians have less than a week’s notice between being offered work and having to take it.

Comments from respondents:

‘I used to get lots of offers of work from EU countries. This has virtually dried up since the referendum.’

‘Brexit creates doubt about the need for visas and their cost which directly affects the viability of concerts.’

‘I can’t currently confirm European dates post 29 March 2019 as we don’t know what the situation with passports, visas, van insurance, travel insurance etc. will be.’

‘Uncertainty causing promoters to either book very late (therefore incurring much more expense cost for me) or not at all.’

‘Questions about work permits seem to be increasing.’

‘I’ve experienced a slow-down in bookings.’

‘Increased admin and paperwork for touring work beyond 29 March 2019.’

According to 63% of respondents, the biggest issue they have faced is difficulty in securing future work in EU27/EEA countries – and more than 1 in 10 respondents reported that offers of work have been withdrawn or cancelled with Brexit given as a reason. Other concerns include: the transportation of instruments and equipment without an appropriate visa system in place; the future of social security contributions under the A1 certificate system; and not being able to afford private health insurance if EHIC provision ceases under Brexit negotiations.

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64% of survey respondents said such a visa would allay their concerns about their future ability to work in the EU27/EEA if freedom of movement rights were lost - and given the choice between a 'cheap, two-year, multi-entry visa' and an 'extension of the Permitted Paid Engagement (PPE) visa' for individuals invited to come to the UK because of their particular skills or expertise from 30 days to 90 days', 95% of respondents preferred the two-year visa.

Would a two-year visa alleviate your concerns?

- **Yes**: 64%
- **No**: 36%

95% of respondents preferred the two-year visa over the Permitted Paid Engagement (PPE) visa.

A PPE visa allows professional musicians and other artists to carry out a short series of paid engagements relating to their profession for up to one month following an invitation from a UK organisation, at a cost of £95 per visa. This is the current system for visa nationals, though non-visa nationals can also apply. If the UK were to become a third country, and the EU and UK work on a basis of reciprocity, then the same system may apply to EU musicians visiting the UK and vice versa. A PPE visa system would be impractical for touring musicians in the UK and EU. Extending the PPE visa from 30 days to 90 days would not improve the situation for musicians, who need to be able to travel easily between the UK and the EU at short notice, as applying for a new visa every 90 days would be inconvenient and costly.

Comments from respondents:

- ‘I’ve had ensembles questioning me as to whether it’s feasible for them to employ me post-Brexit. They’re turning to me for guidance and there is nothing I can offer them. I’m about to pull out of a project starting on 1 April because it is a recording and if we discover there are problems, it’ll be difficult to replace me at short notice.’
- ‘Questioning my eligibility to work in the UK as an EU national and requiring a proof of eligibility for the next three years’
- ‘Uncertainty of future travel/work situation has made planning very difficult.’

If the right to freedom of movement is removed by Government, there is strong support from the music workforce for a touring visa.

Multiple organisations across the music sector, including the Musicians’ Union and UK Music, have called for a multi-entry touring visa. Similar calls have been made by the Creative Industries Federation and British Film Institute as the issue is pertinent to the wider creative industries.

A multi-entry touring visa has cross-chamber support from both the House of Lords European Union Committee (July 2018) and the House of Commons DCMS Committee (March 2019).

The Government should also seek a commitment for an EU-wide multi-country, multi-entry short-term ‘touring visa’ for UK citizens, and offer a reciprocal commitment for EU citizens. This would enable self-employed persons to travel for short-term visits between the UK and the EU, recognising the two-way benefits that accrue from allowing artists, entertainers and other cultural sector workers to move freely between the UK and EU to tour and work on short-term contracts.’

House of Lords European Union Committee, July 2018

Ensuring frictionless travel for musicians, touring personnel and their equipment is essential for musicians to continue to access work opportunities abroad, and for foreign artists to tour to the UK. We support the industry’s calls for the introduction of an EU-wide touring visa, which the Government should pursue in its future relationship with the European Union.’

House of Commons Digital, Culture, Media and Sport Committee, March 2019

A two-year multi-entry touring visa is the preferred arrangement should freedom of movement be lost when the UK leaves the EU.

**Transition Period & Political Declaration**

It is important to remember that the longer the UK Government takes to agree a Brexit plan, the shorter the transition period will be – the end date of the transition period of 31 December 2020 is enshrined in the Withdrawal Agreement, the detail of which the EU has said it will not change.

As things stand, the Political Declaration explicitly confirms that freedom of movement will end, following the transition period. It does not put in place a satisfactory alternative protecting existing mobility rights for musicians.

Considering possible outcomes of Brexit negotiations during the ‘flextension’ between now and 31 October 2019, the Withdrawal Agreement (should it pass on a fourth attempt) would protect freedom of movement until the end of the transition period but no further. If a new deal is struck for the UK to belong to a Customs Union, freedom of movement would also end – though it would remove the need for carnets (see section below on Transportation of Instruments). However, under the so-called ‘Common Market 2.0’ proposal, freedom of movement would be protected by joining the EFTA and EEA.

As the situation is both critical and extremely fluid, it is unsurprising that 83% of respondents said it would be beneficial for a government department (e.g. BEIS) to provide a dedicated hotline for musicians to offer guidance on mobility issues.
TRANSPORTATION OF INSTRUMENTS & EQUIPMENT

THE TRANSPORTATION OF INSTRUMENTS AND EQUIPMENT IS JUST AS IMPORTANT AS THE MOBILITY OF THE MUSIC WORKFORCE.

More than half of respondents (58%) reported that they were concerned about the transportation of instruments and/or equipment in the EU27 & EEA in the future.

Are you concerned about transportation?

- Yes
- No

58%
OF RESPONDENTS SAID THEY WERE CONCERNED ABOUT THE TRANSPORTATION OF INSTRUMENTS AND/OR EQUIPMENT IN THE EU27 & EEA IN THE FUTURE

CARNETS

Any restriction on free movement of goods could lead to the introduction of carnets.

WHAT IS A CARNET?

An ATA Carnet is a temporary international customs document that allows goods, including instruments and sound equipment, to move temporarily outside the UK. ATA Carnets can be used in around 70 countries, are usually valid for 1 year and cost £325.85 plus a security deposit.

The carnets must be presented to customs each time the goods are imported, exported or pass through a country. In the event that the carnet does not need to be presented, this relates to single territory so a carnet does not need to be presented on borders. I would force any tours in the EU to choose suppliers from outside our borders which would mean that the rock ‘n’ roll tracking business, invented in the UK, would be lost forever (DCMS 2019).

Comments from respondents:

- Carnets that have to be filled in for tours outside the EEA are immensely time-consuming to fill in, but almost more importantly delay the travel process immensely and create huge extra costs for orchestras.

- Carnets are disliked by musicians and the music workforce. Indeed, the Live Music Forum described the increased costs and bureaucracy associated with carnets as having a ‘crippling effect on bands’ in their evidence to the DCMS Select Committee (2019) and urged the Government to ‘resist any arrangements that would result in the reintroduction of temporary customs documents for touring equipment’ (DCMS 2019).

CARNETS are disliked by musicians and the music workforce. Queues at ferry ports, and the administration time and costs of carnets would cause delays that may lead to cancelled performances and the loss of future bookings. The Production Services Association, giving evidence to the DCMS Select Committee, cautioned that a quota system for road haulage ‘would force any tours in the EU to choose suppliers from outside our borders which would mean that the rock ‘n’ roll tracking business, invented in the UK, would be lost forever’ (DCMS 2019).

Comments from respondents:

- Border delays would compromise the ability to deliver concerts; costs compromise budgets; uncertainty might adversely affect bookings.

- Carnets and border controls when transporting instruments and equipment across EU borders.

Membership of a customs union would remove the need for carnets and border controls when transporting instruments and equipment across EU borders.

CITES

Musicians, particularly orchestral musicians, are directly affected by restrictions on the trade and movement of CITES-listed products, which includes some instruments.

WHAT IS CITES?

CITES is the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It is an international agreement between governments (i.e. not created by the EU) that aims to ensure that international trade in wild animals and plants does not threaten their survival.

Many instruments contain restricted species that can be found on the CITES list, for example rosewood or ivory. At present, international transportation of these instruments requires a musician to obtain a Musical Instrument certificate.

Comments from respondents:

- ‘Some of my instruments include woods in the CITES list. The makers seem baffled by the complex process of providing documentation to enable them to travel – it seems impossible in many cases to document decades-old wood purchases. I use more than 20 assorted lutes professionally, and it will be a huge work and cost to organize travel documentation for all of them.’

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Any restriction to the free movement of goods is likely to affect the implementation of CITES regulations. This is because while the UK remains in the EU, trade and movement of goods on the CITES list (including instruments) within the EU can take place through any UK port or airport due to free movement of goods. However, if free movement of goods ceases, musicians would have to travel through the current list of CITES-designated ports and airports for non-EU entry and exit. This list only has 10 CITES-designated points of entry and exit and it does not include Dover, the Eurotunnel or Holyhead – all of which are routinely used by musicians to travel to the EU with their instruments (containing CITES materials). This would pose a major threat to musicians’ ability to travel easily between the UK and other countries.
The Department for Environment, Food and Rural Affairs (DEFRA) has said that if free movement of goods ceases, for example in the case of a ‘no-deal’ Brexit, it will designate specific ports and airports of entry and exit for the import/export of goods on the CITES list to and from the EU. However, DEFRA’s preparations to designate additional points of entry and exit do not include Dover, the Eurotunnel or Holyhead, which are vital to musicians’ ability to travel between the UK and the EU27/EEA.

The ISM calls on DEFRA to expand the list of CITES-designated ports to include Dover and the Eurotunnel, to allow musicians to more easily transport their instruments containing CITES materials to the EU27/EEA.

Another aspect of CITES regulations is relevant to musicians. The Animal and Plant Health Agency (part of the UK CITES management authority) currently issues Travelling Exhibition certificates to groups with CITES materials, such as circuses. Travelling Exhibition certificates are valid for three years and allow circuses or other travelling exhibitions across borders freely, without requiring an import/export permit every time they enter or exit the EU. ‘Travelling orchestras’ are currently eligible for Travelling Exhibition certificates so this could in theory help orchestras to travel more easily. However, in practice it would be an unmanageable route to pursue because orchestras would have to register all instruments with CITES-listed products to the orchestra’s certificate – meaning that each time a new member joined the orchestra, their instrument would have to be added to the certificate, incurring a cost each time. In effect, the orchestra would ‘own’ the instruments, which is unfeasible in practice given that most musicians own their instruments.

At present it is unclear what would happen with regard to CITES under a Withdrawal Agreement after the transition period or under the terms of an alternative plan that may be agreed during the ‘flextension’.

Therefore the ISM calls on DEFRA to clarify post-Brexit CITES regulations, providing clear guidance that covers all the possible Brexit outcomes (e.g. after the transition period).

**HEALTH INSURANCE & SOCIAL SECURITY**

**THE MUSIC WORKFORCE RELY UPON CERTAIN MECHANISMS AGREED BETWEEN THE UK AND EU TO PROTECT THEM.**

77% of survey respondents reported that they rely on their European Health Insurance Card (EHIC) while working in the EU27/EEA. If this provision were to cease, musicians, who are mostly self-employed and operate on slim margins, would need to pay for private health insurance. However, more than two thirds (68%) of our respondents said they could not afford private health insurance. This would put our music workforce, which contributes a huge amount to the UK economy, at risk.

It is unclear what arrangements there would be regarding healthcare coverage after the completion of the transition period.

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**Do you rely on your European Health Insurance Card (EHIC) while working in the EU27/EEA?**

- Yes
- No
- Not applicable

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**Comments from respondents:**

- ‘HMRC takes AGES to respond. I’m extremely fortunate to be in possession of a two-year form, but not everyone is so lucky.’
- ‘The government department that deals with the A1 is very difficult to reach, it is time-consuming and complicated unless you are persistent.’
- ‘My most recent A1 form was not sufficient. In the past I’ve issued with a two-year A1 form for all European countries. This time, the countries were individually listed and based on the countries I listed as having worked in the previous year. My concern is that with me having work in other countries (not listed) coming up, I may now have difficulties.’
- ‘It is increasingly difficult to get long term A1 forms for our artists, and applying for a new one for every engagement is very impractical.’

**UK musicians working in the EU who are employed, for example orchestral musicians, can currently work under the EU’s posted worker system, which entitles them to a set of key rights when working. Both employed and self-employed musicians can use the A1 certificate system to ensure they are exempt from paying social security contributions in an EU Member State other than their own. Of those offering an opinion, 28% of survey respondents currently possess a valid A1 form. Respondents reported that the process of getting an A1 form approved is time-consuming and rife with delays and errors from HMRC.**

It is unclear what will happen to social security processes such as the A1 certificate after the UK leaves the EU. If the UK were to fall out of the posted worker system, the music workforce would be in danger of a double deduction of social security contributions. This would clearly have a severe impact on the income of both musicians and employers.

Therefore the ISM calls on HMRC to maintain the A1 certificate system or provide a suitable equivalent.

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RECOMMENDATIONS

Based on the results of the ISM’s fourth survey on Brexit and the music workforce, this report demonstrates that:

- The music workforce depends on EU27/EEA countries for professional work.
- The music workforce relies on UK-EU mechanisms to support and enable them to work in the EU27/EEA (e.g. EHIC scheme and A1 certificate).
- The impact of Brexit on musicians’ work has been widespread and negative, even though the UK has not yet left the EU.
- There is a high level of uncertainty and concern across the music workforce due to Brexit.

There are several related and pertinent issues that were not in scope of the survey, but about which the ISM is aware. These include (though are not limited to) issues of copyright, tax, Intellectual Property and the Digital Single Market, and issues of immigration, such as the visa system for non-EEA short-term workers coming to the UK (particularly PPE visas), and the Migration Advisory Committee’s Shortage Occupation List.

It is clear that the Government must take action to protect musicians’ livelihoods and the prosperous music and wider creative industries.

Recommendation 1
The Government must maintain freedom of movement under existing rules for the music profession.

Recommendation 2
If freedom of movement rights cease, the Government must introduce a two-year, cheap and admin-light, multi-entry touring visa.

Recommendation 3
A Government Department (e.g. BEIS) must set up a dedicated hotline to offer guidance on mobility issues.

Recommendation 4
The Government (DEFRA) must expand the list of approved CITES-designated ports for entry and exit, to include Dover-Calais and the Eurotunnel at the very least, so that musicians can travel more easily with their instruments.

Recommendation 5
DEFRA must clarify post-Brexit CITES regulations, providing clear guidance that covers all the possible Brexit outcomes (e.g. after the transition period).

Recommendation 6
The Government must maintain European Health Insurance as provided by the EHIC system, or provide an equivalent scheme.

Recommendation 7
HMRC must maintain the A1 certificate system or provide a suitable equivalent.

Recommendation 8
The Government must engage with the music sector to provide a roadmap on all issues relating to mobility rights, customs regulations, health insurance provision and social security.
APPENDIX: RESULTS IN DETAIL

ABOUT THE REPORT

This survey had 506 respondents from a cross-section of the music workforce including but not limited to performers, composers, directors, teachers, academics, and sound engineers. Respondents covered every genre, from classical to thrash metal, folk to funk, jazz to film music, and so on. The majority of respondents were UK-based.

EMPLOYMENT STATUS

78% of respondents were self-employed/freelance, 17% were employed and 5% were not currently working.

IMPACT OF BREXIT SINCE JUNE 2016

As in the previous three ISM surveys, this survey asked respondents if they identified an impact on their work resulting from the referendum and ongoing negotiations relating to the UK’s withdrawal from the EU.

Of those responding to the question, 50% of the music workforce had identified an impact on their professional work since the referendum result in 2016. This reflects a steady increase each year, from 19% in 2016, 26% in 2017 and 40% in 2018. It is alarming that 50% of the music workforce identified an impact of Brexit on their professional work given that the UK has not yet left the EU.

Types of negative impact

According to respondents, the area of work that has been most affected by Brexit has been musicians’ ability to secure bookings for work, both between 2016 and now, and in the future.

The biggest factor that has negatively impacted our music workforce’s ability to work is ‘difficulty securing future bookings in EU27/EEA countries’ (63%). The next most experienced factor has been ‘difficulty securing booking in EU27/EEA since 2016’ (59%). More than 1 in 10 respondents said that offers of work have been withdrawn or cancelled with Brexit given as a reason.

Impact of Brexit since June 2016

Of those who had identified an impact of Brexit on their professional work, 95% said it was a negative impact.

Types of negative impact

- Difficulty securing future bookings in EU27/EEA countries
- Increased difficulty securing bookings between June 2016 and now
- Increasing travel costs
- Difficulty getting or renewing insurance (instrument, travel, health)
- Cancellation of existing bookings or withdrawn offers of work in EU27/EEA countries (with Brexit given as a reason)
- Increasing difficulty and/or cost of importing instruments and materials

Impact of Brexit (%)

- Negative
- Positive
- Didn’t answer

Impact of Brexit

Percentage (%)
**CONCERN ABOUT FUTURE WORK**

87% of respondents said they were concerned about their future ability to work in EU27/EEA countries, of which 62% identified as 'very concerned' and 25% as 'mildly concerned'.

**VISAS**

Of those who identified as 'very' or 'mildly' concerned, 64% said that their concerns would be allayed by the introduction of a 'cheap, two-year, multi-entry touring visa'.

Would a two-year visa alleviate your concerns?

**TRANSPORTATION OF INSTRUMENTS & EQUIPMENT**

The survey asked respondents whether, without a visa framework in place, they were concerned about the transportation of instruments and/or equipment in the EU27/EEA in the future. More than half of those answering (58%) said they were concerned.

**HEALTH INSURANCE & SOCIAL SECURITY**

Of those who responded, 77% of musicians said they reply on their European Health Insurance Card (EHIC) while working in the EU27/EEA.

Do you rely on your European Health Insurance Card (EHIC) while working in the EU27/EEA?

More than two thirds (68%) of respondents said they would not be able to afford private healthcare if EHIC provision ceases when the UK leaves the EU.

Can you afford private healthcare?

28% of those offering an opinion currently possess a valid A1 form, which enables them (as self-employed workers in the UK) to be exempted from paying additional social security contributions when they work in EU27/EEA countries.

Do you possess an A1 form?
WORK HABITS IN THE EU27/EEA

How many days per year do you spend working in the EU27/EEA?
- 0 days: 32%
- 1-7 days: 21%
- 8-14 days: 12%
- 15-30 days: 14%
- 31+ days: 29%

How many times per year do you visit the EU27/EEA for work?
- 0 times: 32%
- 1-5 times per year: 29%
- 6-10 times per year: 12%
- 11-15 times per year: 7%
- 16-20 times per year: 6%
- 21+ times per year: 5%

How many days per visit do you spend working in the EU27/EEA on average?
- 0 days: 32%
- 1-2 days: 21%
- 3-4 days: 12%
- 5+ days: 4%

How many EU27/EEA countries do you visit per trip?
- 1: 32%
- 2-3: 36%
- 4-7: 6%
- 8+:

How many days’ notice do you have between being offered work in the EU27/EEA and the work starting?
- 1 day or less: 8%
- 2-3 days: 26%
- 4-7 days: 56%
- 8-31 days: 19%
- 32+ days: 0%

GOVERNMENT ACTION

Given the “chronic lack of information from government” according to one respondent, it is perhaps not surprising that 83% of respondents said it would be beneficial for a government department (e.g. BEIS) to provide a dedicated hotline for musicians to offer guidance on mobility issues.

Would it be beneficial for a government department (e.g. BEIS) to provide a dedicated hotline for musicians to offer guidance on mobility issues?
- Yes: 77%
- No: 23%
The Incorporated Society of Musicians is the UK’s professional body for musicians and a nationally-recognised subject association for music. We were set up in 1882 to promote the art of music and to protect the interests and honour of all musicians. Today we support almost 9,500 members with unrivalled services and expert advice, from study up until retirement and beyond. We are a wholly independent, non-profit-making organisation.

Musicians who are members of the ISM have access to advice from experienced in-house employment lawyers by contacting the ISM legal team at legal@ism.org or by contacting our 24-hour advice line on 01275 376 038.

ism.org

The Save Music campaign, launched in October 2018 by The Incorporated Society of Musicians, is calling for freedom of movement to be maintained for musicians after Brexit – or failing that, a two-year working visa which allows musicians to tour easily in EU and EEA.

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