



14th July 2021

By email

Dear The Rt.Hon. Grant Shapps MP
Secretary of State for Transport

Cc The Rt.Hon. Oliver Dowden MP
Secretary of State for Digital, Culture, Media and Sport
Alastair Jones DCMS
Osian Lewis DfT

Response to Department of Transport Call for Evidence June/July 2021

‘Support of UK specialist events hauliers operating in the EU under the Trade and Co-Operation Agreement (TCA): Call for evidence’.

Firstly, we support this call for evidence and welcome the engagement by the DfT in addressing the problems that are now facing the creative industries. We also stand with our colleagues in the specialist event haulage industry.

However, we have some serious reservations around the implication of the results of this call for evidence and the appropriateness of the questionnaire.

We note that the online questionnaire is geared very much towards haulage companies and the DfT are looking for possible solutions that will assist those companies in continuing to deliver cultural events across the EU. Something we all desperately need to happen.

We represent the vast majority of musicians and bands who undertake smaller scale touring across Europe, using vans, busses and in many cases vehicles designed specifically to transport people and their instruments / equipment known as ‘splitter vans’. These vans provide a low-cost solution to touring for smaller and mid-scale bands and artists.

As has been set out by the DfT, vehicles transporting both equipment and people fall between two posts, the transport of goods and the transport of people.

In a paper entitled ‘*Note on use of splitter vans in the TCA*’ the DfT made their position very clear: The MU received this paper on 20th May 2021, following an industry wide meeting entitled ‘*Market Access Arrangements for Buses*’ held online on 21st April 2021. The paper stated:

- *Splitter vans*

If a UK operator is transporting goods for a commercial purpose, the only way they could access the EU would be under the Transport of Goods title. The Transport of Passengers title only applies to the transport of passengers and so it would not be

possible to use the market access provisions of that title and apply them to the transport of goods.

Given that the Transport of Goods title requires that the vehicle is used exclusively for the Transport of Goods, a splitter van, carrying both passengers and goods, would not be permitted.

To expand this point further, at the meeting on the 21st April, it was asked whether splitter vans were banned from operating in the EU. The answer was they *'are not banned'* but *'operators operating under the terms of the TCA (which provides more comprehensive market access than alternative means) must adhere to the requirements in the Transport of Goods Title.'* Further, *'vehicles must be used exclusively for the transport of goods'*. Therefore, that defeats the object of the splitter van, and the affordable option it provides for small and medium scale sized bands to effectively tour.

The provisions of the TCA are such that any decisions made via this call for evidence will impact heavily on musicians who are not in the realms of undertaking large, so-called No1, tours for which the specialist haulage industry provides. Consequently, they will be caught in the crossfire, thus bringing any possibility of cost effective, accessible touring for small bands and artists to a full stop, disproportionately penalising developing acts and artists who form the foundations of the next generation of UK talent and revenue assets.

In looking at the two options that have been set out in the call for evidence, neither option will provide a solution for the scale of artists we are concerned about.

- Option 1, setting up a residual base in the EU is simply not appropriate.
- Option 2 will only work if the EU reciprocates. According to page 10 of the accompanying document, the provisions for option 1 will have to apply, again not appropriate.

We are prepared to accept that the implications of the TCA, in respect of transport of musicians and their equipment in such vehicles, was an unintended and unfortunate consequence. However, if these rules are enforced, it is a consequence that has a profound effect on musicians and bands from the UK and one that desperately needs a solution. The solution needs to be distinct and separate from the options that could be applicable to the specialist haulage industry.

We are calling on the DfT to work to put in place a legal framework allowing the use of vehicles to carry both passengers and goods for commercial use within the EU and to recognise and agree that there needs to be a total exemption from cabotage and cross trade rules for vehicles that carry both passengers and equipment for the purpose of cultural performances, rehearsals, and recordings.

As has been confirmed, the exclusive competence in respect of international road transport in the EU falls under EU DG Move and is not applicable to individual negotiation with member states. Therefore, we ask that the appropriate representation is made at the highest level to remove such vehicles from the auspices of the TCA in the EU as well as the UK for the reasons stated above. We request that the issues relating to splitter vans be put onto the agenda of the next meeting between Lord Frost and his EU counterpart Maros Sefcovic at the next Partnership Council meeting.

There is no doubt that without a solution musicians will find the increase in red tape and the restriction of trade a major impairment, not only to their livelihoods, but to the cultural and

economic benefit of the UK and Europe. We will all be the poorer if this important part of our economy is not supported.

Finally, the music industry is taking major steps in addressing what can be best described as its 'green credentials'. Sustainability is now at the forefront of conversations around how bands tour and how the industry can reduce its carbon footprint. To insist that one vehicle is needed for goods whilst another is needed for people, when one would do the job for both, and at the same time insisting vehicles of any size must make repeated unladen journeys back to base to satisfy misguided bureaucratic legislation, flies in the face of the global need to address issues of sustainability. Common sense must prevail.

We the undersigned look forward to your response.

Yours sincerely

Horace Trubridge – General Secretary, Musicians' Union

Deborah Annetts – CEO, Incorporated Society of Musicians

David Martin – CEO, Featured Artists Coalition, #Let The Music Move

Annabella Coldrick – CEO, Music Managers Forum, #Let The Music Move

Tarrant Anderson Company Director, Vans For Bands Ltd

Steve Heap CEO, Association of Festival Organisers

Greg Marshall General Manager, Association for Electronic Music

Mark Davyd CEO, Music Venue Trust

Phil Bowdery Chair, Concert Promoters Association

Paul Fenn Executive Vice President, The Entertainment Agents Association

Jamie Njoku-Goodwin Chief Executive, UK Music

Duncan Bell, #WeMakeEvents

Peter Heath MD, PLASA (Professional Lighting and Sound Association)

Tim Brennan, Carry On Touring

Richard Burnett Chief Executive, RHA

Stuart McPherson Managing Director, KB Event