

CEU 01

Senedd Cymru | Welsh Parliament

[Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol](#) | [Culture, Communications, Welsh Language, Sport, and International Relations Committee](#)

[Diwylliant a'r berthynas newydd â'r UE](#) | [Culture and the new relationship with the EU](#)

Ymateb gan: NoFit State Community Circus | Evidence from: NoFit State Community Circus

The Committee is considering the impact of the UK's exit from the EU on the culture sector and would like to understand your views on the following:

Introduction and context

NoFit State is a touring company that brings artists from all over the world to come and work in Wales, and we tour work created in Wales all over the world. Our experience is confined to live performance.

Prior to Brexit and Covid we made the strategic decision that we would not tour to countries on the other side of the world, (the Americas, Australasia), because the environmental impact of such work could no longer be justified. In 2023 we undertook our first international tour (France, Belgium, Czech Republic) since Brexit and Covid.

1. The impact of the new relationship on artists and creative workers touring and working cross-border (including touring and working in Wales).

This has become a very significant issue – both for artists from EU countries coming into Wales to work – and for Welsh companies touring internationally.

- a) EU nationals coming into Wales. NoFit State will typically invite up to 20 artists a year to come into Wales to work. Contracts may range from a week or two to take part in creative exchanges or creative development projects to up to 6 or 7 months for a full tour. Prior to Brexit we were a registered sponsor (with a Tier 5 Creative and Sporting license) to enable us to employ non-EU artists. The same system now applies to EU citizens as well. Prior to
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Brexit we might issue 2 or 3 certificates of sponsorship a year. We are now issuing approximately 20 certificates a year.

In addition to visa costs, we also have to pay the NHS surcharge for all artists for whom we issue a certificate of sponsorship. A few years ago this cost was £200 a year for non-EU citizens (EU citizens were covered under an EU wide reciprocal health insurance scheme). The cost is now £1,035 per person a year and we are required to take out a full year cover even if the contract is only for a short period.

Further, we should not underestimate the reputational damage that Brexit has done and the impression that has been created that people from other countries are not welcome here. It is difficult to quantify the impact of this both on people's willingness to come here and the willingness of partners from other countries to invite Welsh artists and companies to perform in their programme.

- b) International touring – although still possible – has become extremely challenging.

By leaving the EU the UK is no longer covered by a variety of international bilateral treaties signed between the EU and external countries or by internal EU co-operation agreements. These include double taxation and cultural exchange treaties in addition to the many benefits created by the single market. The Westminster government has shown little if any interest in resolving these challenges.

For example, we had to sign a contract with our French presenting partner saying that we would be liable for French with-holding tax if the French Festival was unable to persuade the French tax authorities that we shouldn't be charged.

In order to be allowed to perform in Prague in 2023 we and the Festival that had invited us needed to produce letters from both the Czech Ministry of Culture and DCMS officials saying that the performances were taking place under the auspices of a Treaty signed between the UK government and the government of the 'Czechoslovak Federal Republic' signed in 1990. Fortunately, our MP, Jo Stevens, was both active and effective in helping us to get the necessary letters. The fact that a politician needed to become

directly involved in helping to facilitate performances in Europe reveals the scale of the challenges now faced.

In addition, because of the '90 day rule' (a UK citizen can only spend a maximum of 90 out of every 180 days in the EU without visas and work permits) we were forced to turn down bookings for summer 2023 with an estimated loss of income of circa £120,000 and a reduced gross profit on the tour of circa £40,000.

It is now necessary to have a 'carnet' to transport items into and out of the EU. A carnet is in effect a passport for goods not designed for resale – such as set, costumes, technical equipment. Each item needs to be logged with an individual code per item, where and when it was purchased, and the purchase price. For NoFit State building this list requires a specific resource management system and takes 6 people 3 weeks work to compile. The direct cost of securing the necessary paperwork and insurance (insurance against providing false information and indemnifying ferry companies etc) is circa £17,000. The total cost of a carnet for NFSC is therefore circa £28,000.

A wide range of outstanding systemic issues remain, particularly around the lack of robust and integrated IT systems at UK ports, the absence of a central source of accurate and up to date information, lack of knowledge of new systems and regulations amongst Customs and Excise and Border Force staff, and gross both over and understaffing of facilities and offices in the UK.

Three of our trailers were held for 2 weeks each at the Tilbury Docks when they returned to the UK. It took one member of NFSC staff about three weeks of liaison between different officials in different offices to get the three trailers released. It is still not clear why they were held and officials on the ground were equally unclear at the time as to what the problem was – simply computer says 'no'. In the end we think that an official simply decided to over-ride the computer system.

2. The impact of new trading arrangements relating to cultural activity.

3. The availability of guidance and support for the sector relating to the new relationship between the UK and EU

This is extremely poor. Information provided on the Government website is frequently out of date or inaccurate and fails to provide detailed information about the different rules as they apply to each EU country.

One member of staff spent a very considerable proportion of their time trying to get clarity about the different rules as they apply in different countries for many months prior to our 2023 tour.

As a result, a smaller company with limited resources or experience of international touring would probably decide it was no longer worth it and it is now virtually impossible for anyone to respond rapidly to opportunities as they arise.

4. The impact on access to funding programmes and networks

Isn't really relevant to us.

5. Any changes to the UK-EU relationship that might improve cross-border working for the culture sector

Creating a single market for cultural and educational activities and events with free movement for people and items involved in the cultural and educational sectors.

Revoking the '90 day rule' for cultural workers and companies.

Any other views
