

DCMS End of Transition Period Sessions October 2020: Further Materials

Thank you for taking the time to attend the DCMS run end of Transition Period sessions on October 14, 15, and 19.

In these sessions, policy colleagues across government committed to sharing further information and materials. Please find these below, by policy area:

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Borders and Customs (inc ATA Carnets)

The following questions were taken away from the session for further investigation with HMRC. They are answered here:

1. *I think Liverpool Chamber of Commerce can also issue carnets. Is that correct?*

Yes, this is correct. The LCCI have confirmed that the [Liverpool Chamber of Commerce](#) also issue carnets.

2. *If duty-free temporary admission of a type of good - e.g. filming equipment - were to specifically be covered in any UK/EU trade deal (as filming equipment is covered in e.g. Article 2.10 of the EU-Japan Economic Partnership Agreement), is an ATA Carnet still required?*

The current process for ATA Carnets with convention countries outside the EU, will apply to relevant imports and exports with the EU at the end of the Transition Period. This means that from January 2021, ATA Carnets will become one of the options available to both businesses and individuals when temporarily moving goods between the UK and EU countries. However, we are unable to comment on the potential trade deal between the UK/EU as negotiations are still on-going.

3. *Do you need a Carnet if you are bringing over items for an exhibition or tour? e.g. Import Duty Relief using Temporary Admission? – (And perhaps don't even need an EORI number if "non-commercial"?)*

Carnet are not mandatory to import goods for an exhibition or tour, however they can be a preferred option for traders looking to temporarily move goods between UK and ROW as they provides the following benefits:

- a. **Using an ATA Carnet can simplify the customs clearance of goods in exporting and importing countries by replacing customs documents that would normally be required.**
- b. **It provides a financial security for customs charges potentially due on the goods that will be used in the countries visited (and payment of the guarantee can be made in the user's own currency).**
- c. **It helps to overcome language barriers and the complexity of having to complete unfamiliar customs forms and can be used for several trips during the one-year term of validity.**

Alternatively, traders can use Temporary Admission relief to temporarily import goods. For more information on Temporary Admission, click on the following [link](#).

4. *Is there any prospect of replacing wet stamping with digital carnets?*

The efforts to digitalize ATA Carnets and ATA Carnet procedures are currently underway under the initiative of the WCO and ICC. The digital Carnet Pilot was launched in February 2019, however, this has been heavily affected by the continuing effects of the Covid-19 and its effects on movement of goods and public events. The Pilot has been extended

several times since then and it is now anticipated that the digital Carnets will not be entering into circulation before 2022 (naturally this will depend on the successful outcome of the Pilot and the National Customs Administrations agreeing to digital Carnets legally replacing paper Carnets). It may, therefore, be a while before all countries in the ATA Carnet Chain approve the use of digital Carnets in their territories.

Updates on digitalization of ATA Carnets can be obtained from the ICC:

<https://iccwbo.org/media-wall/news-speeches/icc-new-ata-carnet-app-makes-digital-declarations-and-transactions-possible/>

5. *Can you confirm which locations can process the stamp of carnets?*

Traders can phone the [HMRC imports and exports helpline](#), when planning their journey and prior to arrival/departure of their goods. The general helpline will provide traders with a contact number for customs at the designated port/airport, and traders can check whether an officer will be available to physically wet stamp their Carnet. HMRC will advise traders of alternative arrangements if necessary. Traders should establish in advance of entering/exiting the UK, via the Chamber of Commerce, where they need to present their goods to get the ATA Carnet endorsed by a customs official.

Post transition, HMRC are working closely with port operators and Border Force to determine which ports have capacity and facilities to be able to fulfil the requirements for ATA Carnets. Further guidance will be made available before the end of the Transition Period.

Current locations are <https://www.gov.uk/government/publications/uk-offices-community-and-common-transit/uk-offices-community-and-common-transit>

6. *Can you remind us of the length of the carnet- e.g. if taking out costumes and sets for say a 3, 6 month or one year run in one place is that carnet - or will it be under services rather than goods? what about if sets etc are in storage abroad?*

An ATA carnet is valid for up to 12 months from the date of issue and can be used multiple times, and in multiple countries during the period of validity. However, depending on the participating country or the goods to be imported, stricter time limits can apply ([see Notice 104, section 4.1](#)).

When a carnet has been issued, its period of validity cannot be changed. To extend how long you can use the goods, you would need to get a replacement carnet; however, not all issuing associations will issue replacements and not all countries will accept them.

7. *We urgently need to know if carnets are needed between GB and NI?*

HMRC is still developing policy in this area. Further details will be confirmed soon.

8. *Can you confirm where a carnet for a set for a performance would need to be stamped?*

Carnets are stamped on entry or exit of a customs territory. Usually Carnet formalities are conducted at the frontier; however alternative arrangements can be made i.e. stamped at inland site or another customs location. Traders can phone the [HMRC imports and exports helpline](#) prior to arrival/departure of the goods to confirm this.

CITES

Email to raise specific issues

EUExitCITES@defra.gov.uk

APHA (Animal and Plant Health Agency) contact email (APHA issue all CITES documentation)

wildlife.licensing@apha.gov.uk

Key Message

Check if you need CITES documentation, and if yes, apply for documents from APHA (the Animal and Plant Health Agency) in good time, then use a CITES designated port to move your specimen (good) into or out of the GB (including movements between GB and NI).

Additional information relevant to DCMS sectors to note:

Exceptions

For species of rosewood (*Dalbergia* spp.) or bubinga (*Guibourtia demeusei*,

Guibourtia pellegriniana, *Guibourtia tessmannii*) covered by Annotation #15, the revised Annotation exempts finished items and musical instruments. Annotation 15 reads as below, with all specimens included under CITES rules unless covered by one of the exceptions (a-e).

#15 Designates all parts and derivatives, except:

- (a) leaves, flowers, pollen, fruits, and seeds;
- (b) finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment;
- (c) finished musical instruments, finished musical instrument parts and finished musical instrument accessories;
- (d) parts and derivatives of *Dalbergia cochinchinensis* which are covered by Annotation #4;
- (e) parts and derivatives of *Dalbergia* spp. originating and exported from Mexico which are covered by Annotation #6;

Definitions of terms used above:

Finished musical instruments

- A musical instrument (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) that is ready to play or needs only the installation of parts to make it playable. This term includes antique instruments (as defined by the Harmonized System codes 97.05 and 97.06; Works of art, collectors' pieces and antiques).

Finished musical instrument accessories

- A musical instrument accessory (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) that is separate from the musical instrument, and is specifically designed or shaped to be used explicitly in association with an instrument, and that requires no further modification to be used.

Finished musical instrument parts

- A part (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) of a musical instrument that is ready to install and is specifically designed and shaped to be used explicitly in association with the instrument to make it playable.

Ten (10) kg per shipment

- For the term "10 kg per shipment", the 10 kg limit should be interpreted as referring to the total weight of the individual portions of each item in the shipment made of wood of each species concerned. In other words, the 10 kg limit is to be assessed against the weight of the individual portions of wood of Dalbergia/Guibourtia species contained in each item of the shipment, rather than against the total weight of the shipment.

Ivory:

Legislation to ban the sale of ivory (except for limited exceptions, below) in the UK was passed in December 2018. This will apply in addition to controls under CITES. Ivory Act restrictions have not yet been brought into force pending the finalisation of underpinning secondary legislation which will be consulted on shortly.

Exemptions:

- Items of outstanding artistic, cultural or historic significance, and made prior to 1918
- Pre-1918 portrait miniatures
- Pre-1947 items with low ivory content (<10%)
- Pre-1975 musical instruments
- Sales to and between accredited museums.

Data

International Data Transfers Guidance

<https://ico.org.uk/for-organisations/data-protection-at-the-end-of-the-transition-period/data-protection-at-the-end-of-the-transition-period/the-gdpr/international-data-transfers/>

European Representatives Guidance

<https://ico.org.uk/for-organisations/data-protection-at-the-end-of-the-transition-period/data-protection-at-the-end-of-the-transition-period/the-gdpr/european-representatives/>

Immigration System and EU Settlement Scheme

1. How wide was the consultation on the appendix V document - Sometimes museum and gallery info is missed out, or is it covered under a general category?

There are currently no provisions in the visitor rules that are specific to museums and galleries, however the activities may be covered under the creative or business categories. We will continue to engage with stakeholders to further understand how the visitor rules can be improved and simplified.

2. Visitors Appendix 4 & 5 - they list artists, entertainers and musicians - does the same apply to production teams, stage managers, directors etc? Also, how do festivals apply to be classified as a 'permit-free festivals'?

Personal and technical staff are covered by the provisions for creatives in the visitor rules, providing they work for an artist, entertainer or musician outside the UK and are attending the same event. Festivals can apply to be classified as a PFF when the application window is open. Further details will be published <https://www.gov.uk/government/publications/apply-to-be-on-the-list-of-permit-free-festivals/how-to-apply-to-get-on-the-list-of-permit-free-festivals> when the application window is opened.

3. Are we to assume that the cost of the VISA will be similar to the Schengen one (€80)?

A visit visa £95. Long term multiple-entry visit visas are also available: 2 years £361, 5 years £655 and 10 years £822

4. Re paid work - do the same rules apply regardless of whether someone is paid directly by an EU org or whether they are paid by a UK organisation which receives a fee from the EU organisation?

Skilled Worker: The rules are the same.

5. How will the going rate of jobs be determined?

Going rates are based on the 25th percentile of earnings in the UK data drawn from the Annual Survey of Hours and Earnings (ASHE) 2019 and are listed in Appendix Skilled Occupations of the Immigration Rules and are listed in Appendix Skilled Occupations of the Immigration Rules.

6. is the salary pro-rata??

Skilled Worker: Going rates for individual occupations will be pro-rated depending on the applicant's working pattern, as long as the total applicable general salary threshold (£25,600, £23,040 or £20,480) is met.

The general threshold is a measure of the economic contribution an applicant will make to the UK. It applies regardless of the number of hours worked and will not be pro-rated.

7. What will the Office of Talent do?

The Office for Talent (OfT) is a new team which has been set up in No 10. Its aim is to take a proactive approach to attracting and retaining the most promising global science, research and innovation talent to the UK. It will help ensure we have a cross-government approach to attracting talent and the development of a diverse, high quality R&D workforce.

8. Was the non-student points system also limited by number? Does that inflate the points required, etc?

Tier 2 (General), the current route for skilled workers, has an annual limit on numbers. This is being removed for the new Skilled Worker route. Some Tier 1 routes also had numerical limits, but these have already been removed. The Youth Mobility Scheme has annual quotas for nationals of each participating country; this will continue to be the case as this scheme works on a reciprocal basis. No other routes in either the current or new system are subject to an overall limit on numbers.

9. There has been no mention of Permitted Paid Engagement. We urgently need to know if this will apply to EEA citizens from 1 Jan.

EU/EEA/Swiss citizens can apply for permission to enter the UK as a Permitted Paid Engagement visitor at the UK border.

10. how will the devolved governments and sponsored bodies be consulted for the new cross-department office for talent? and are there new ways for eg Arts Council of Wales , NI etc to engage with these processes?

The Office for Talent (OfT) is currently in the process of engaging with key stakeholders to develop appropriate policies to attract and retain talent. These stakeholders include the devolved administrations, for example the OfT recently met the Welsh government to discuss their Ser Cymru programme. As the OfT has only recently been set up it doesn't yet have a formal forum to engage with external bodies, that said, the OfT is happy to engage with any that are keen to input at this early stage. The Office can be reached on: talent@no10.gov.uk.

11. BAFA had had a meeting with Home Office a couple of months ago recommending some changes to the eligibility for Permit Free to help smaller festivals - has there been any further progress on this/are there likely to be any changes? PPE stays of up to one month makes it hard for small festivals to arrange multiple visits from an overseas group to share travel/UK accommodation costs.

We intend to conduct further engagement with the creative sector before making changes to further understand how the visitor rules can be improved and simplified.

Intellectual Property

Guidance

<https://www.gov.uk/government/news/intellectual-property-and-the-transition-period>

Email to provide feedback or raise specific issues

IPExhaustion@ipo.gov.uk

Labour Mobility - Short Term Work and Visas

Written Answers to Questions in Session

<i>Labour Mobility - Short Term Work and Visas</i>	
1	[Please can you introduce Labour Mobility and talk through short term work visas?]
2	<p>Q. If a tour involves multiple EU countries, how likely is it that separate permissions will be required, or could there be a multi-country scheme?</p> <p>A. It is likely that separate permissions would be required for different EU Member States as each country will have different rules governing visa/work permit requirements. You will need to check the guidance for each country to determine what documentation is required.</p>
3	<p>Q. Many companies have international artists and teams. Will there be a different set of measures for artists from non-EU countries if they are UK based?</p> <p>A: We do not expect there to be a change to how third country nationals who are currently based in the UK will be treated. The change should only apply to UK nationals, who will need to check the website of the country you are travelling to for guidance.</p>
4	<p>Q. On the basis that there is a Trade Agreement with the EU please could you provide us with more detail on Mode 4?</p> <p>A. As set out in the government document 'The Draft UK-EU Comprehensive Free Trade Agreement,' published 19th May 2020, in ongoing negotiations with the EU we want to build on precedent agreed by the EU with Canada and Japan on Mode IV, with comprehensive provisions for services exporters who, in person or through their employees or contractors, need to move between the UK and the EU. These provisions would cover: short-term business visitors, including for establishment purposes; intra-corporate transferees; investors; contractual service suppliers; and self-employed professionals.</p> <p>Specifically, the UK would like to explore building on best precedent when it comes to the permitted activities for short-term business visitors. CETA and EU-Japan currently cover a limited range of activities such as attending meetings and events. We therefore want to explore aspects of the permitted activities list, where it is mutually beneficial to do so.</p> <p>We understand the significance of agreeing reciprocal commitments on contractual service suppliers (CSS) and independent professionals (IPs) which provide a route for temporary service providers, both employees and the self-employed, to travel to UK or the EU, while not entering the local labour market. As set out in our published position, we are keen to explore how to build on previous EU FTAs in this space, to recognise the reality of what UK and EU businesses are looking to us to deliver.</p> <p>We also recognise the importance of reciprocal commitments on intra-corporate transferees (ICTs) that grant UK, and EU-based companies surety to move staff temporarily between offices and to deploy expertise and transfer knowledge where necessary. Building on existing FTA precedent, and to provide more flexibility for businesses long-term, the UK is proposing, on a reciprocal basis, to offer a longer length of stay than previously included in EU FTAs. We are also looking to agree requirements for accompanying spouses, partners and children that reflect modern family life.</p>

	<p>It should be noted that these provisions are all subject to ongoing negotiations.</p>
<p>5</p>	<p>Q. Will it allow musicians to tour across borders and undertake gigs at many different venues?</p> <p>A. For short stays of up to 90 days in any 180-day period the EU has legislated such that UK nationals will not need a visa when travelling to and within the Schengen Area when performing a limited range of activities (which include cultural or sports events). Member States also allow additional permitted activities as part of their domestic immigration regimes for short term visits. The types of activities allowed will differ by nation, and UK nationals should check with their host state before travelling. For all travelling involving work or service provision a visa and/or work permit may be needed. This is the case, regardless of whether a trade agreement is concluded.</p> <p>For longer stays, or when undertaking activities not specified as permitted for business visitors, a visa and/or work permit may be needed. UK nationals should check with the Embassy of the country where they plan to travel for work or to provide a service for the type of visa, work permit or other documentation, if any, they will need.</p>
<p>6</p>	<p>Q. Will there be an application process?</p> <p>A. If a visa is required, then there will be an application process. Some stays won't need a visa, and, in that situation, there won't be an application process. For example, for short stays of up to 90 days in any 180-day period the EU has legislated such that UK nationals will not need a visa when travelling to and within the Schengen Area when performing a limited range of activities (which include cultural or sports events). Member States also allow additional permitted activities as part of their domestic immigration regimes for short term visits. The types of activities allowed will differ by nation, and UK nationals should check with their host state before travelling.</p> <p>The UK has proposed comprehensive reciprocal commitments on procedural facilitation and transparency measures relating to Mode IV applications. This is to ensure that businesses can access the information they need when moving their employees abroad. For example, the UK is seeking to set a minimum standard for publishing information that is relevant to applicants.</p> <p>It's worth noting that, in 2022, the European Commission will introduce a U.S. style electronic travel authorisation system for visitors from countries that are not part of the EU – the ETIAS. This system will check the security credentials and charge a fee to travellers visiting EU member countries for business, tourism, and other purposes. Those who currently visit Europe visa-free will be exempt from the screening and fee.</p>
<p>7</p>	<p>Q. Will it be sufficiently flexible to cover both the case of an opera singer who gets called in at the last moment to perform in Vienna and musicians who are planning tours 2 years in advance?</p> <p>A. The provisions we are looking to be covered in the Mode IV chapter of the CFTA would cover: short-term business visitors, including for establishment purposes; intra-corporate transferees; investors; contractual service suppliers; and self-employed</p>

	<p>professionals. These cover short-term visits (less than 90 days in 180), as well as longer-term postings up to 5 years (in an intra-corporate context). The precise details are subject to ongoing negotiations.</p>
<p>8</p>	<p>Q. Will couriers need visas when operating in the EU, and when European colleagues come here as couriers, as they are ‘working’? Or will this kind of work be covered as a short business trip, even though they receive basic per diem?</p> <p>A. EU couriers coming to the UK may be covered by the visitor rules and not require a visa, depending on the specific circumstances. Under UK visitor rules, a visa is not required for the following short-term activities:</p> <ul style="list-style-type: none"> ● An employee of a foreign manufacturer or supplier may install, dismantle, repair, service or advise on equipment, computer software or hardware where it has a contract of purchase or supply or lease with a UK company or organisation. ● Attend trade fairs, for promotional work only, provided the visitor is not directly selling. ● Carry out site visits and inspections. ● A driver on a genuine international route [can] deliver goods or passengers from abroad to the UK. <p>Any of these could be relevant, but it would depend on the specific circumstances, for example is the person carrying out these activities contracted to do so, or is it part of their regular work?</p> <p>We would advise you to consult the UK visitor rules and if in doubt, send queries to the Home Office who manage these rules.</p> <p>UK couriers carrying out work in the EU will need to check the individual rules of each country to find out if a visa is required or not.</p>
<p>9</p>	<p>Q. Can activities when paid a fee, such as speaking at conferences, holding an educational event or workshop, be done without visas?</p> <p>A. In the UK, EU citizens speaking at conferences or events may not receive payment from a UK source, unless they fall under the Permitted Paid Engagements in Annex 4.</p> <p>Experts may receive payment for giving lectures if they have been invited by a UK Higher Education Institution, or a UK-based research or arts organisation provided this does not amount to filling a teaching position. Professional artists or entertainers carrying out work directly relating to their profession may also receive payment, if they have been invited by a creative organisation, agent or broadcaster based in the UK.</p> <p>For UK visitors to the EU, this will depend on the rules of the individual Member State. In general, paid work will likely require a visa, but there may be exceptions. You will need to check the rules of the country you are visiting.</p>

Answers to Follow Up Questions

Re: Visitors Appendix 4 & 5 - they list artists, entertainers and musicians - does the same apply to production teams, stage managers, directors etc?

- Visitors Appendix 3 (part of [Immigration Rules Appendix V: visitor rules](#)) states that the permitted activities for business visitors include:
Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in paragraph 16 of this Appendix or paragraph 1(e) of Appendix 4, provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.
Film crew (actor, producer, director or technician) employed by an overseas company may visit the UK to take part in a location shoot for a film or programme that is produced and financed overseas.
- The activities listed above will be able to be carried out by EU / EFTA citizens in the UK visa-free for up to six months at a time.
- The rules for UK citizens travelling to the EU may vary per Member State. We advise that you check the guidance of the country you are visiting.

How do festivals apply to be classified as a 'permit-free festivals'?

- Guidance on how to apply to become a permit free festival in the UK can be found [here](#).

Re paid work - do the same rules apply regardless of whether someone is paid directly by an EU org or whether they are paid by a UK organisation which receives a fee from the EU organisation?

- Generally, EU / EFTA citizens travelling to the UK for business will need a visa if they receive payment from a UK source. However, there are exceptions. EU citizens will be able to do the paid engagements as set out in Appendix 4 of the [immigration rules](#), for up to one month, without a visa. Permitted Paid Engagements include:
 - A professional artist, entertainer or musician carrying out an activity directly relating to their profession, if they have been invited by a creative organisation, agent or broadcaster based in the UK.
 - An expert giving lectures in their subject area, if they have been invited by a UK Higher Education Institution; or a UK based research or arts organisation provided this does not amount to filling a teaching position.
- Instances where an EU citizen can receive payment from a UK source (as listed under V 4.7 in the immigration rules) include:
 - (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
 - (b) prize money; or
 - (c) billing a UK client for their time in the UK, where the applicant's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas. Payment must be lower than the amount of the applicant's salary; or
 - (d) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from the UK; or
 - (e) where the applicant is engaged in Permitted Paid Engagements (PPE) as listed at Appendix 4, provided the applicant holds a visa or leave to enter as a PPE visitor; or
 - (f) paid performances at a permit free festival as listed in Appendix 5.

Northern Ireland Protocol

Guidance

<https://www.gov.uk/government/publications/the-uks-approach-to-the-northern-ireland-protocol/the-uks-approach-to-the-northern-ireland-protocol>

Answers to questions raised in the session

1) What about trade/customs on the island of Ireland between rep. of Ireland & NI?

There will be no substantive change for the movement of goods covered by the Protocol between Northern Ireland and Ireland: www.gov.uk/government/publications/moving-goods-under-the-northern-ireland-protocol/moving-goods-under-the-northern-ireland-protocol-section-three-moving-goods-from-northern-ireland-to-the-european-union

2) Will VAT treatment differ between RoI / NI / as opposed to UK / EU?

The latest on VAT was published on the 26th of October:

www.gov.uk/government/publications/accounting-for-vat-on-goods-moving-between-great-britain-and-northern-ireland-from-1-january-2021/accounting-for-vat-on-goods-moving-between-great-britain-and-northern-ireland-from-1-january-2021

Social Security Coordination

As mentioned in the session, HMRC is publishing an Employer Bulletin on paying contributions from 1 January. The latest of these can be found at the link below, and the SSC article is on pages 7 and 8:

<https://www.gov.uk/government/publications/employer-bulletin-october-2020>

Trade (Online policy - including e-commerce directive)

E-commerce directive guidance

<https://www.gov.uk/guidance/ecommerce-directive-what-online-service-providers-in-the-uk-should-do-to-get-ready-for-brexit>

EU domain names Guidance

<https://www.gov.uk/guidance/eu-domain-names-what-you-need-to-do-to-get-ready-for-brexit>

If you wish to contact Raj on related policy issues you can reach her at

rajan.sidhu@dcms.gov.uk