



## A New European Vision For Touring

As Spain took over the Presidency of the Council a few weeks ago, with enabling cross-border mobility for artists addressed as part of its programme, pan-European organisations IAO, IMPALA, FIM, EMEE, Live DMA, Liveurope and EMMA representing altogether musicians and other artists, independent labels, managers, music venues, clubs, festivals as well as export offices join forces to call on EU Member States to launch a dialogue with the sector around the topic of mobility as a vital component of competitiveness within the sector. This initiative addresses a gap currently not considered by the EU and follows the recommendations by recent reports to further develop discussions between the European institutions as well as music and cultural organisations (see for reference the [“One Voice for European Music”](#) initiative launched by the National Centre for Music in France).

There is a need for a new vision for European touring that enhances security, co-operation and cross-border cultural exchange across the EEA, while also enhancing European culture and live experience. Facilitating live shows is crucial for artists and labels who were entirely deprived of their performance revenues for more than two years with the COVID-19 pandemic. As the consequences of the pandemic continues to impact artists and music operators across the entire live music value chain, they now must also deal with a surge in fuel and energy prices, while costs of living increase across the world in parallel.

This is also crucial for Europe's cultural competitiveness, at a time where non-European repertoire overperforms in the region (see Music Moves Europe study "[A European music export strategy](#)" – e.g. US repertoire represents on its own 42% of Europe's average listening share for streaming). And let's not forget that promoting cross border tours within the EEA will also have a positive impact on sustainability in the sector. Improved mobility will provide greater artist engagement through new routes and slow touring (i.e. less travel intensive tours) in Europe's regions, as new opportunities will serve less pressure for tours to cover only major cities to maximise profits at the expense of high mileage. This will be vital for the music sector's role in mitigating the current energy crisis and assisting the EU's green transition.

To achieve a lasting change to benefit artists and cultural workers, mobility questions should be mapped and reassessed in light of their real experiences and impact to economic and cultural competitiveness. Do we need a simplified process, particularly given the lasting impact of Covid? What steps do we need to take to reduce red tape and boost European culture? Do we need a European cultural area and a new status for artists and cultural workers in terms of visas? The question of mobility in greater Europe is vital but understandably complex in the current climate.

A dialogue on these questions would be the first step to address the sector's main challenges to touring, as identified by our organisations (click on each issue to learn more about it):

- [Addressing visa issues for artists](#)
- Improve the situation as regards [custom licences](#) (“carnets”)
- Fix the situation regarding [excessive tax burdens](#)
- Make [cabotage rules](#) futureproof
- Alleviate touring obstacles [by upscaling funding opportunities at EU level](#)
- [Address obstacles for carrying musical instruments on planes \(revised regulation 2027/97 still on hold\)](#)

Our call asks for the continuation of initiatives that have already proved essential to the sector, namely:

- The opportunity for the European Commission to launch studies within the Culture Council work programme which helped further knowledge and understanding of the music sector, its needs and challenges. We also recommend that the topic of mobility is added to the next work programme.
- The strengthening and the development of Mobility Info Points at National levels that help artists travel to work by providing useful administrative information while also being connected to national ministries and administrations, when relevant (*also recommended in [latest OMC report](#) on the working conditions of artists and culture professionals*).

Europe's support of its cultural and creative sector during the pandemic was inspiring, let's build on that to fix the long-standing issues faced by the music sector.

## **Signatories**

Read more about the signatories and their respective works on touring/mobility:

**EMEE** is a non-profit association made up of 32 national and regional Music Export offices from 27 countries, together and individually we support European musicians, music companies and music professionals in their export strategies. EMEE's mission is to strengthen the European Music Sector by encouraging musical diversity, visibility, and supporting mobility in and outside Europe. We facilitate this through the exchange of information and expertise from our members and with project initiatives between our members and/or other music industry organisations.

**EMMA** (European Music Managers Alliance) brings together Music Managers Forums in Belgium, Denmark, Finland, France, Germany, Ireland, the Netherlands, Norway, Poland, Spain, Sweden and the UK – with links to allied organisations in Australia, Canada and New Zealand. EMMA represents approx. 2,000 music managers across Europe, and another 600 worldwide, representing the commercial and professional interests of tens of thousands of artists, songwriters, producers and DJs.

**FIM** (International Federation of Musicians) is the only body representing professional musicians and their trade unions globally, with members in about 65 countries covering all regions of the world. Founded in 1948, FIM is recognised as an NGO by diverse international authorities such as the ILO, WIPO, UNESCO, the European Commission, the European Parliament or the Council of Europe.

**IMPALA** is the European association of independent music companies, representing nearly 6,000 music SMEs. Its mission is to grow the independent music sector sustainably, return more value to artists, promote diversity and entrepreneurship, improve political access, inspire change and increase access to finance.

**IAO** (International Artist Organisation) is the umbrella association for national organisations advocating for the rights and interests of the Featured Artists in the music industry. Our main interests are transparency, the protection of intellectual property and a fair reflection of the value an artist's work generates.

**Live DMA** is a European network for live music associations. The members are regional and national live music associations that represent over 3000 music venues, clubs and festivals located all over Europe. Live DMA's missions are to promote live music as arts and culture, level up the conditions for venues, club and festivals, empower live music professionals and participate in the design of music policies.

[Liveurope](#) is the first pan-European initiative supporting concert venues in their work to promote emerging European music. The platform's key mission is to give incentives to concert venues to promote the circulation of emerging European artists through a bonus mechanism and a European quality label. Launched in 2014 with the support of Creative Europe, Liveurope gathers 23 music venues in 23 European countries and has supported +3500 concerts with new artists of 40 European nationalities.

[Pearle\\* - Live Performance Europe](#), as well as [On the Move](#) have been consulted and take note of the call of the co-signatories.

## **Annex - Music sector's main challenges in relation to touring explained**

### **Visa Issues**

The Schengen area in Europe already offers visa-free zones and a harmonised visa template for tourism and business for 90 days. However, not all countries are covered by the area and national rules differ as to whether such visa is sufficient depending on the country of origin. We have seen various calls to improve the status of artists and facilitate as much as possible their cross-border mobility.

Although not the direct scope of our letter, we would like to flag that the European Union is also impacted by visa issues that go beyond the EEA:

- The Schengen 90/180 rule [can cause problems](#) to non-EEA artists, which has a direct impact on the line-up of Europe's own festivals for example.
- In January 2023, the U.S. Department of Homeland Security (DHS) issued a proposed rule to impose steep increases to some of its filing fees, including for O and P artist visas applications. The increase in fees for both categories sits at 251% and 260% respectively and requires that the total number of individuals on a single petition will be capped at 25 beneficiaries thus limiting accessibility and administrative ease regarding applications. This will negatively impact both artists and touring staff across Europe, ultimately limiting the appeal and opportunity to tour in the U.S. We understand that this is a complex area on the legislative side, but we would like to encourage a discussion on this topic. Read the full letter initiated by Pearle\* and On the Move and signed by 192 cultural organisations [here](#).

### **Custom licenses ("carnets")**

- Custom licences ("Carnets") are required to bring instruments and other equipment in and out of the region, requiring substantial financial deposits. The carnet comes with a cost and requires a deposit which can amount to 1/3 of the equipment value. We hear that small and medium non-EU artists (but from EEA and Schengen countries) refrain from touring in the EU because of the substantial expenses and deposits required for carnets and vice-versa.
- This is even more complicated when members of a band live in separate areas of the inner market. For example, a band with members from Sweden (EU) and Norway (EEA-only), removed Switzerland (Schengen-only) from a tour because it would have required a double set of carnets for their respective equipment. This is not only a financial obstacle for touring, but also a practical obstacle for collaborations between artists within the inner market.
- An extra layer of complications comes to musicians whose instruments contains parts of species that are protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

### **Excessive tax burdens**

- Withholding tax: when music artists perform in another European country, the standard practice is that the promoter will include a withholding tax on the artist's fee for the performance. This tax representing a significant cost varies from country to country, and can be up to 30 % of the fee. It is normally deducted from the artist's share as booking agents usually base their fee on the net income. This also gives financial advantages to acts from certain areas of the world. For example, it makes it cheaper for an American artist to tour than it is for an EU/EEA/Schengen artist, as a US band benefits from an exemption to this tax when bands from this region don't.
- Double taxation: the issue of double-taxation emerges when the artist is taxed (in a second time in their country of residence) on their worldwide revenues, after the withholding tax was issued. This double taxation is unfair to artists especially at a time where performing revenues are so low due to the pandemic, and there are ways to fix it (see recommendations from the [music export study](#)).

- VAT: paying VAT in each country on a tour is simply not feasible. The EU's extension of the VAT one stop shop to touring and other cultural activities would be welcome if it leads to calculation and reporting being made in one place and across EU and EEA borders. The withholding tax also represents an additional cost: this tax varies from country to country, and can be up to 30 % of the fee. It is normally deducted from the artist's share as booking agents usually base their fee on the gross income. This also gives financial advantages to acts from certain areas of the world. For example, it makes it cheaper for an American artist to tour than it is for an EU/EEA/Schengen artist, as a US band benefits from an exemption to this tax when bands from this region don't.

### **Cabotage**

A community licence (cabotage) is needed to carry goods around within the region unless covered by an exception. In practice this limits the number of stops on a tour if exceptions don't apply. We understand that one exception relates to weight of the vehicle but from May 2022 this exception has been limited to trucks with a maximum laden weight under 2.5tn, instead of 3.5tn initially. Another exception also applies where the goods are owned by the organiser of the tour, but this is not always the case. Member States should seek to clarify the scope of current exceptions and how they interact with EEA countries and other EU neighbours.

### **Funding opportunities**

In parallel, the EU should look into channeling EU funding to overcome those obstacles. We invite Member States to take stock of existing EU-funded initiatives that have proved efficient to address these barriers to boost the mobility of artists at EU level (c.f. cascading grants funded under the Creative Europe programme on the model of Liveurope or SHAPE and Music Moves Europe preparatory actions). The Music Moves Europe study on Market trends and Funding Gaps (2020) as well as the One Voice for European Music initiative (2022) both recommend to increase their funding volumes to amplify their positive results on the diversity of the sector.

### **Carrying musical instruments on planes**

Restrictions applying to the carrying of musical instruments onboard planes severely hinder the mobility of artists within the EU (and throughout the world). Air carriers have no harmonised policy regarding the transport of instruments as cabin luggage, and the enforcement of existing policies by airline personnel remains arbitrary and capricious. The cargo part of the plane is not an option as, even when stored in appropriate travel cases, most instruments would incur a high risk of unrecoverable damage.

Article 6e of [regulation 2027/97/EC](#) (as adopted by the EU Parliament in Feb. 2014) provides musicians with minimum predictability as regards the conditions under which musical instruments may be carried in the cabin as hand luggage. Most regrettably, the vote in the Council has not taken place. This file should, by all means, be reopened.