**Museums Association Response to CMS Committee EU Exit Consultation**

About the Museums Association

The Museums Association is a membership organisation representing and supporting museums and people who work for them, throughout the UK. Our membership of over 8000 includes all types of museums, from small volunteer-run locals to large nationals and people working in all types of roles from directors to trainees. Founded 125 years ago, in 1889, the Museums Association was the world’s first professional body for museums. We lead thinking in UK museums with initiatives such as *Collections for the Future*, *Museums 2020* and, most recently, *Museums Change Lives*. We receive no regular public funding, and we do not wish to do so.

Response to Consultation Questions

1. *Employment in the creative industries: Will the UK be able to attract and retain talent from across the world in order to maintain its high reputation in these industries?*

The uncertainty faced by EU nationals who work in museums is substantial. The possible new immigration rules and the tone of debate on immigration are damaging museums’ ability to attract and retain staff from across the world at all levels of employment. Imposing new visa requirements and using the presence of existing EU nationals in the UK as a bargaining chip with the EU risks stripping expertise and manpower from the sector, and makes the UK a less attractive place to work.

Furthermore, we are highly concerned that the possible introduction of a strict new visa system which includes minimum earnings requirements will have a damaging effect on the museums sector. Museum employment is not generally highly renumerated, and many posts would not meet the existing minimum salary requirement for Tier 2 visas of £35,000 p.a. In addition, a growing proportion of the museum workforce is freelance, and would not qualify for entry. We believe that any new immigration rules for EU citizens must ensure that those in the cultural and creative sectors – including those at an early stage in their careers – are able to work in the UK and contribute to our cultural life.

1. *Employment in tourism: The travel and tourism industry is particularly labour-intensive and many positions are currently filled by EU nationals. To what extent will UK citizens be willing and able to fill these (often seasonal and low-paid) jobs?*

National and larger regional museums have complex operations with a large number of Front of House, catering and cleaning staff. Some of these roles are filled by non-British EU nationals at present, although there is little data on precisely how many as current employment law does not require organisations to document the nationality of EU employees.

UK citizens are theoretically able to fill these roles. However, in practice, this will represent a substantial recruitment and training cost, and will come at the expense of non-British EU citizens losing their jobs and their right to work in the UK.

1. *The inward tourist industry is concerned that any more onerous visa requirements for visits will produce a reduction in the number of visitors to the UK. What is likely to happen? Is the industry capitalising on the decline in the value of the pound to promote the UK as a destination?*

National museums have not seen the rise in visitor numbers that might be expected with a drop in the value of the pound. Instead, they have seen a [year-on-year decrease of 1m visitors for the period April-August](http://www.museumsassociation.org/museums-journal/news/111022016-dcms-museums-and-galleries-lose-a-million-visitors). This has been attributed to a number of factors, including terrorism fears. The devaluation of the pound may yet help to boost these numbers in the months ahead, but there is no evidence of a benefit to museums so far.

Furthermore, the devaluation of the pound represents only a temporary potential gain for the tourism sector. There are two main reasons for this: firstly, inflation is rising and will, in time, cancel out the gains of devaluation. Secondly, the likelihood that immigrations controls will impose greater constraints on European visitors travelling freely to the UK will have a damaging effect on tourism.

We believe it is vitally important that the UK negotiates a deal with the EU that continues to allow EU tourists to visit the UK with minimum barriers. The least-worst solution would be to retain freedom of movement within membership of the single market.

1. *The outward tourist industry has already been affected badly by the fall in the value of the pound. What further effects are likely? What will be the impact on companies and jobs?*

N/A

1. *While the Intellectual Property Office has stated that the position on trademarks, designs, patents, copyright and enforcement remains the same until exit negotiations are concluded, what should happen in relation to Copyright after the UK leaves the EU?*

There are three challenges to copyright management in museums posed by the EU Exit:

* Sharing records of orphan works
* Securing the copyright exceptions proposed within the Digital Single Market Directive
* Maintaining the trend of altering copyright legislation which assists in the care of public collections and providing public access to these.

Orphan works

Orphan works are works in public collections where it is not possible to trace or attribute rights ownership. The provisions of the Orphan Works Directive provide a process to legally use some types of orphan works and therefore enable museums to conserve these and make them available to the public. Although the provisions of the Orphan Works Directive are likely to remain in legislation, it is unlikely that the UK will have access to the Orphan Works Database. When a due diligence search has been completed for an orphan work, museums, libraries and archives in EU Member States can record the existence of their orphan work and details of their search on the database. Museums across the EU can therefore check the database before commencing a search, thus saving time and resources, but also increasing the chance of finding rights holders. For the UK to continue to have access, it is likely a financial contribution would have to be made.

Securing the provisions of the Digital Single Market Directive

The Copyright provisions in the proposals for the Digital Single Market would enable greater public access to UK museum collections - particularly for disabled users - and provide important exceptions to enable museums to conserve objects in their collections without having to first clear copyright. The latter is important if a work or object requires emergency conservation to stabilise it, where to delay would place the work or object at greater risk.

Future-proofed copyright legislation for public collections

The European Commission has led the updating of copyright legislation over the past 15 years, and has also led work to provide specific legislation recognising the unique requirements of public collections. Copyright Exceptions, transposed into UK law in 2014 to allow measures to increase public access and format shift works for preservation, are an example of changes which have assisted museums and ensures legislation is no longer format or type specific.

Greater harmonisation of copyright legislation across the EU has helped UK museums because of the international nature of UK museums’ work and the practicalities of creating digital assets. Future divergence will make the management of copyright more resource intensive and may restrict the degree to which museums can work with European partners (in research, digital projects or public engagement).

1. *The Digital Single Market: The UK digital sector currently is worth £118 billion a year; 43% of UK digital exports go to the EU.  How has UK membership of the EU helped to shape the Digital Single Market to date? What are the fears and advantages arising from the UK being outside the developing Single Market? What will happen to companies that have used the UK as a base for sales within the Single Market?*

See above.

1. *What will be the impact of the loss of European Union funding, both specialised (such as the Creative Europe fund) and more general (such as the Regional Development Fund). Will the UK Government replace these? Can tax exemptions or private sponsorship fill the gap?*

Museums have benefited from a range of EU funds, the most important of which are noted below. The Chancellor’s guarantee that [EU funding for UK projects will be upheld](https://www.gov.uk/government/news/further-certainty-on-eu-funding-for-hundreds-of-british-projects) by the UK Government was a welcome intervention. However, many museums are already [losing out on funding](http://www.artsprofessional.co.uk/news/eu-funding-uncertainty-puts-arts-projects-hold) due to the uncertainty and antipathy caused by the Referendum vote amongst project partners in other EU countries. UK partners in joint projects have been asked to cease taking a leadership role in projects that would otherwise have benefited the cultural and tourism sectors in the UK.

The museums sector in the UK has done much in recent years to access philanthropy, with extremely mixed results. Some large organisations, especially those in London, have benefitted from philanthropic donations. Museums elsewhere in the country report finding it very difficult to find donors. Most philanthropy is small-scale and funds specific activity such as acquisitions, and is therefore ill-suited to replacing much of what European funding has been used for. Finally, philanthropy tends to decline in periods of economic uncertainty, and cannot be relied upon as a steady source of income.

The government is currently working on a tax relief for museum exhibitions which we believe will be beneficial to all museums (provided that it applies to permanent as well as temporary exhibitions). However, many museums are simultaneously threatened by increases in their National Non-Domestic Rates bills as local authorities cut the amount of discretionary relief they apply to museum buildings. Tax policy may not therefore be the best way to compensate museums for losses from EU funding.

Main sources of EU Funding for Museums

The Creative Europe Programme is worth a total of €1.46bn during the current EU budget period of 2014-2020. Over £40m of this total has been spent in the UK since 2014, with substantial further funding due over the next four years.

The Creative Europe Programme has been a rich source of funding for museum projects involving European partners. This includes projects at the [Museum of Archaeology and Anthropology in Cambridge](http://www.creativeeuropeuk.eu/funded-projects/sharing-world-inclusion-creativity-and-heritage) and the [National Galleries of Scotland](http://www.creativeeuropeuk.eu/funded-projects/ich-bin-hier-europ%C3%A4ische-gesichter).

The Creative Europe Programme also funds the [Creative Europe Desk UK](http://www.creativeeuropeuk.eu/), which helps UK based organisations to access EU funding.

In the longer term, it is possible that the UK could continue to participate in the Creative Europe programme’s successor after 2020 if the UK government decided to participate. The current legislation allows for non-EU countries such as Switzerland to participate in the programme if they wish, on the condition that they pay their share of the funding into the EU pot.

The [Europe for Citizens](https://eacea.ec.europa.eu/europe-for-citizens_en) programme, which has funded a substantial number of Remembrance, civil society and town-twinning projects is still open to UK applicants at present, but is also at risk from Brexit.

Regional Funding

The European Regional Development Fund (ERDF) brings £[2.9bn](http://www.nlgn.org.uk/public/2015/the-regional-cost-of-brexit/) to the English regions over the current budget period (2014-2020), with separate and substantial funding arrangements for Cornwall, Scotland, Wales and Northern Ireland. The loss of these funds will affect regional economies in general, but will also have a specific impact on some museums. Many museums access ERDF funds or help to direct the use of funds through their involvement in Local Economic Partnerships (LEPs) in England and equivalent bodies in the devolved administrations. The loss of this funding will therefore affect some museum projects as well as undermining local tourism initiatives.

These projects tend to be long-term in nature and therefore applicants are in a period of uncertainty about whether they will be able to continue to benefit from funds for the duration of proposed projects.

University and Research Funding

The EU supports research through its Horizon 2020 programme. Universities have been the principal beneficiaries of this funding, but museums have also managed to secure partnerships and project funding from this source. The Cultural Co-operation strand of funding has been particularly useful in this respect. Those museums that have Horizon 2020-supported partnerships are now facing uncertainty. It is not yet clear how long these funds will continue to be available, or whether existing partnerships will be able to draw down the entirety of their funding. [The Erasmus+ Programme](https://ec.europa.eu/programmes/erasmus-plus/updates/20160628-british-participation-erasmus-plus_en), which supports education and training for EU citizens, is in a similar position.

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