European and External Relations Committee

The EU referendum and its implications for Scotland

Written submission from Culture Counts

We welcome the opportunity to contribute to the debate about how Scotland manages the impacts of Brexit and how Scotland can realise all opportunities to sustain and strengthen our international partnerships.

Our cultural life is an expression of who we are, who we want to be, and how others see us. This is as much true of our collective national identity at home and abroad, as it is of the many and diverse artistic expressions we exercise as individuals. The challenge now is to ensure that the sector continues to thrive and grow.

- The impact of the EU Referendum vote is significant, and potentially far-reaching, for all aspects of cultural life in Scotland.
- The cultural sector must be a part of Brexit negotiations.
- It is important to assure, not just assume, that Scotland continues to be a nation of many cultures. We therefore need to promote and protect international partnerships with people and places from across the European Union in any post-Brexit agreements and to stand firm in condemning incidences of intolerance or prejudice.
- Key issues for the cultural sector include
  i) Protection of the right to take part in cultural life as a human right
  ii) Free movement of people
  iii) Free trade
  iv) Funding
  v) International relations

**Protection of the right to take part in cultural life as a human right**

Current EU law protects human rights, including the right to take part in cultural life as covered by aspects of employment, anti-discrimination, environmental and intellectual property legislation, along with efforts to advance social justice. Culture expression is an individual right and supports a better understanding of our own and others’ identities.

**Recommendations**

- Given the significant implications of the Brexit vote for the cultural sector in Scotland, Culture Counts recommends that the Scottish Government considers appointing a new member with experience and knowledge of arts and culture in Scotland and internationally to the Standing Council of Experts on Europe, or at the very least, guest contributions are invited from the cultural sector to help assist the work of the Standing Council.
- Any post-Brexit agreements must ensure no regression of existing human rights protections.
Free movement of people

Scotland’s cultural sector is greatly enriched by the diversity of cultural exchange and the movement of creative people across the EU. From touring orchestras to art schools, academic conferences to design studios, festivals to art exhibitions, the sector benefits both from visa-free exchange and touring throughout the EU and from EU nationals making Scotland their creative base.

The uncertainty caused by Brexit for the future domicile of EU nationals currently resident in Scotland and the potential of visas being required for EU exchange, risks deterring new creative collaborations, risks complicating touring productions and potentially threatens the attracting and retaining of talent. These issues could affect the ability of Scottish organisations to continue to grow their international work and profile.

Recommendations

- Culture Counts recommends that the UK and Scottish Governments affirm to EU nationals currently living here that they will be able to remain without further complication and that their contribution to our cultural life is welcomed.
- We encourage the UK and Scottish Governments to explore the potential for bilateral agreements with EU member states to ensure the continued need of free movement of people for cultural exchanges and touring.

Free trade

The EU is the largest export market for the UK creative industries, totalling 56% of all overseas trade in the sector (source: Federation of Creative Industries). It is vital that Scotland and the UK is able to influence regulatory decisions which may have a bearing on future trading, such as current discussions around the Digital Single Market including copyright reform.

Current EU regulations also ease the movement of heritage items and works of art which is key for museums and galleries in purchasing or exhibiting objects for their collections. There are streamlined processes for the import and export of works of art both within and outside the EU and any regulatory changes could bring extra bureaucracy and cost making it more difficult to mount international exhibitions.

Changes to taxation or tariffs could also complicate the ability to tour or produce work in the EU and to trade cultural products, as well as deterring individuals and organisations from participating in cultural exchange. Changes in taxation regimes or the establishment of burdensome financial frameworks, could prohibit the cultural sector’s ability to work across the EU.

In regards to film and TV production, official co-productions are only possible between countries which have signed a treaty defining co-production rules. The European treaty, the European Convention on Cinematographic Co-Production, and was signed in October 1992 in Strasbourg and refers to its signatories as “member States and the other States Parties to the European Cultural Convention”. The UK signed the original treaty as a member of the EU so conceivably would need to sign up again as a “European non-member State”. The coproduction framework is
important because it allows international film producers to work together to create a film which can gain state protections and tax benefits from multiple countries at the same time. Being outside of that framework, or the uncertainty of having to re-sign up to it could be damaging for the film industry in Scotland.

Recommendations

- Culture Counts recommends that in any settlement the ability of the cultural sector to trade with the EU and be included in EU regulatory decisions is protected.
- We recommend that the Scottish and UK Governments note the existing legislation and regulation for the movement of heritage items and works and art and ensure these do not become more onerous.
- We recommend that in any settlement, taxation regimes support continued trade and cooperative projects throughout the EU.
- We recommend that the Scottish Government seek clarity from the UK Government on the status of the UK in the Cinematic Coproduction Framework.

Funding

- Several EU funding programmes such as Creative Europe’s Creative Networks, Cooperation Projects and European Platforms contribute substantial funding to cultural organisations in Scotland. The UK has, to date, been the second biggest net gainer of funding under Creative Europe. Recent such partnerships receiving grant funding from Creative Europe include Literary Europe Live (Scottish Poetry Library), North by Northwest Films on the Fringe (Regional Screen Scotland), Let’s Dance! (Scottish Youth Dance) and Amare Nordic Network (Voluntary Arts Scotland). Traditional Arts and Culture Scotland also recently led on Seeing Stories : ‘Recovery of Urban and Rural Landscape Narrative in Europe’ a large EU project. Anecdotally, in the immediate aftermath of the 23 June Referendum, counterparts from cultural organisations elsewhere in the EU have been reluctant to join funding applications if there is a UK partner involved, for fear of this negatively impacting upon the assessment process.

- In addition, many communities in Scotland have received European Regional Development Funding and structural funding through initiatives such as the LEADER (Links Between Activities Developing the Rural Economy) programme. The village halls, leisure centres, development trusts, nature walks, and public art commissions that have benefited from EU funds are numerous, particularly in rural and remote communities including those where minority languages are spoken. From the Island of Easdale harbour development to city planning in central Glasgow, the roll out of broadband in rural areas, and other structural projects have positively impacted cultural provision. Beneficiaries of the LEADER programme include the Northern Scottish Touring Fund and the Dumfries and Galloway Arts Festival.

- For the 2014 – 2020 programming period, Scotland secured a total investment of 941M euros split across the European Regional Development
Fund and European Social Fund (source: Scottish Government). It is not currently clear what provision will be made to for those communities, local authorities and cultural trusts who have initiated development projects in anticipation of funding, or to realign national budgets now that the regeneration potential from EU budget may not be realised.

- It is also worth considering the impact of the EU on the higher education sector which is closely entwined with the culture sector. Universities and further education colleges not only provide a large amount of training and employment in creative occupations, they can also directly support and fund cultural venues and facilities such as the Byre Theatre in St Andrew’s or the Talbot Rice Gallery in Edinburgh. Any funding cuts to higher education or a contraction of activities has the potential to impact cultural provision in Scotland.

Recommendations

- As with agriculture and fishing, the UK and Scottish Governments should make budgetary provision where necessary to replace current EU cultural, regional development and research funding and the resulting loss to rural and remote communities, as well as regeneration initiatives more generally.
- The UK and Scottish Governments should consider how participation in funding schemes such as Creative Europe can continue as a non EU member state partner. Turkey, Switzerland and Norway currently have similar such agreements.

International relations

Scotland’s culture is essential in putting the nation on the map for visitors and investors from across the EU and beyond. Our cultural landscape, including our many festivals, encourages performers, producers and tourists to visit Scotland and the work and talent we export help to shape a positive image of Scotland internationally. The Edinburgh International Festival will mark its 70th anniversary year in 2017; originally conceived to provide ‘a platform for the flowering of the human spirit’ following the Second World War, it is an example of the power of international cultural exchange to unite people and it is important to maintain our commitment to that principle in our continuing relationship with EU Member States.

Recommendations

- Culture Counts recommends that the Scottish and UK Government send a clear message to reassure potential visitors, partners and investors that we are ‘open for business’.
- We recommend that in Brexit negotiations and any bilateral agreements with other countries, the role and contribution of culture is duly reflected.