Acceptance Message from IAMA’s new honorary president, David Sigall, HonFTCL

and, whilst it would be churlish of me to claim any wisdom on my own behalf, I can, at the very least, pass on what he taught us.

When we started IAMA, some 20 years ago, Brexit could not have been further from our minds. When some of us conceived the idea of an international conference we thought it would be one-off or, at best, an occasional event. However, such was the pressure on us to repeat it that it instantly became an annual event. I am so often asked whether the profession has changed in the 44 years during which I have been in it and, you know, in essence, I don’t think it has. Technology has changed but artists still have to perform the great repertoire excellently and we still have to support them as best we can.

May I pay tribute to all my predecessors as Chairmen, some of whom are present, and to the IAMA staff who work tirelessly on your behalf. For me I could think of nothing more gratifying in my retirement than to continue to contribute to this great profession which I love and has given me so much pleasure (and also a modicum of grief) over so very many years.

Abridged speech given: 7 April 2017, Paris Philharmonie

Address from the Chairman, Aino Turtiainen-Visala, Managing Director, Fazer Artists

2017 is a watershed year for the world making us wonder: what will it look like in a year’s time? Being a European based organisation we very much share the democratic values in our society – yet we are following big political “climate” changes as it comes to the support of arts and culture in many European countries - not to even mention the real climate change.

Who could have thought a year ago that we would have expressions “alternative truth” and “post truth” in our vocabulary?

Some years ago, I was struck by the news that old and well established musical institutions were closing in Holland and at the time hoped it was an isolated situation. More recently, and surprisingly, similar threats have been faced in Denmark and other countries. When the position of national broadcasting companies is questioned, the first axe is to the artistic institutions they maintain. Added to this, governments have cut back on resources for arts education at school – even reading and writing – making it hard to believe that these political decisions are largely the responsibility of my generation. I always believed that well educated politicians that can read and write, would also respect arts and culture. It seems that I’ve presumed too much.

Along with the increasing fragmentation within our societies and areas of geography, there is at least the golden thread of music and what it always has done throughout the ages - to bridge boundaries and connect people of all nationalities. In some ways, the role of an international association becomes even more important against this backdrop. We see new demands on our services, for example within the EU: countries seem more focussed on their own national agendas than in the past with the result of red tape increasing to the extent that proving one’s tax or legal identity results in many more headaches for the artist manager.

Most of the complications are caused by the fact that artists move around the world all the time and their circumstances are a minority consideration with law makers. The result of these pressures mean members are increasingly turning to many different professional services to help them including IAMA and its support services.

There have been some negative developments that have come to our ears in recent times. I hear about levels of arrogance between colleagues or unprofessional behaviour such as acting behind colleagues’ backs, spreading unfriendly rumours and even lying. To be fair, some of these negative aspects arise from those who are not members of IAMA but we must remain resolute to watch such situations.

Our Code of Practice is clear and often used to remind parties that there is a standard to maintain. I encourage you to know and use the Code as a way of helping raise and maintain standards. As highly educated people, often passionate about music and other arts, we have to accept responsibility for our actions whilst recognising that we are only human. Overall, we must care - the focus of this year’s conference in Paris: Artist Management: Who Cares? is an appropriate question that one would do well to pause and think about. We must all care otherwise who else will?

We trust that you will see IAMA as a network that is not only a conference each year but a listening ear and supportive organisation that encourages you to know you are not alone!

Abridged speech given: 5 April 2017, Paris Philharmonie
Welcome to New Members

Since the last newsletter we have the following members to welcome:

**AFFILIATE**

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We welcomed two new directors in January

Carlo Cavalletti
Carlo Cavalletti has worked for thirty years as music teacher, broadcaster and organiser. From 1985 to 1999 he was a regular collaborator with the RAI, creating and presenting many of the most important Radio Tre classical music programmes. From 1989 till 1993 he was editor of the periodical “Musica e Dossier” and from 1995 until 1997 he worked at the Accademia Nazionale di Santa Cecilia, working in the publications section.

He has written for numerous concert programmes, has often given pre-concert introductions and lectures for many of the major music institutions in Italy and published the volume for children Chopin and Romantic Music. From 1996 until 2006 he was on the Artistic Committee of the Accademia Filarmonica Romana and played an executive role in its artistic direction. In 1997 he was given responsibility for the organisation and programming of Radio Tre Rai and in 1999 served as artistic coordinator of the Cantiere Internazionale d’Arte di Montepulciano. From 2000 until 2005 he was Artistic Coordinator of the Accademia Filarmonica Romana. From 2005 until 2008 he was Artistic Director, for four yearly festivals, of the Cantiere Internazionale d’Arte di Montepulciano. In 2009 he founded his musical agency, from December 2011 known under its name Cavartists. Born in Rome, he took a Piano diploma and studied History of Music with Fedele D’Amico and Pierluigi Petrobelli at the University of Rome “La Sapienza”.

In 1990 he began his career as a teacher of the History of Music in the Conservatori: currently he has the chair at the Conservatorio in Perugia. He has written for numerous concert programmes, has often given pre-concert introductions and lectures for many of the major music institutions in Italy and published the volume for children Chopin and Romantic Music. From 1996 until 2006 he was on the Artistic Committee of the Accademia Filarmonica Romana and played an executive role in its artistic direction. In 1997 he was given responsibility for the organisation and programming of Radio Tre Rai and in 1999 served as artistic coordinator of the Cantiere Internazionale d’Arte di Montepulciano. From 2000 until 2005 he was Artistic Coordinator of the Accademia Filarmonica Romana. From 2005 until 2008 he was Artistic Director, for four yearly festivals, of the Cantiere Internazionale d’Arte di Montepulciano. In 2009 he founded his musical agency, from December 2011 known under its name Cavartists. Born in Rome, he took a Piano diploma and studied History of Music with Fedele D’Amico and Pierluigi Petrobelli at the University of Rome “La Sapienza”.

Victoria Rowsell
Victoria Rowsell began her career in the music industry in 1977, joining Van Walsum Management in its formative years and helping develop the company into one of the leading London music agencies.

For 10 years she was deputy managing director and left in 2005 to form her own music agency. During her time at Van Walsum Management she managed the careers of some of the foremost artists of our time, amongst them Esa-Pekka Salonen, Paavo Berglund, Kent Nagano, Jukka-Pekka Saraste and Vernon Handley.

Before joining VWM Victoria was PA to the editors of the Architect’s Journal, and the New Statesman at a time when the New Statesman was the crucible of what has emerged as one of the greatest generations of writers and political commentators.

This background has informed Victoria’s values, which focus on the identification, nurturing and development of individual artistic voices, whom she judges will make the broadest contribution to artistic and cultural life. These values are reflected in her artist list and exemplified by Mitsuko Uchida and Joseph Swensen both of whom she has managed for over 30 years. The burgeoning careers of her younger artists continue to vindicate Victoria’s values.

Board and Committee Sunset Clauses:

On 7 April 2017, the Members elected to change the IAMA constitution on the number of years a board member can serve before stepping down without an immediate re-election option. Under the new rules, a maximum of two terms can be exercised before retirement. For a committee chairman, the term is limited to one term (2+1 years). Have you thought about standing for a place on the board? Every October a nomination round is called with an election in November. You need to be recommended by another person in the membership and supply a biography. Watch news on IAMAworld for the call.

Are you in contact with other reputable artist management companies who are not IAMA members? Introduce IAMA to them and let us know.

IAMA Award: Josephine Markovitz

On 5 April, the members honoured Josephine Markovitz with an IAMA award citing that it was her independence of artistic vision, focus and determination that had stood out over her career, in particular, her work with the Festival d’Automne à Paris.

About Ms Markovitz
Josephine Markovitz has been working in music since 1967 when she began working with BYG Records in Paris. In 1969, she moved to BYG Records, organising rock, free jazz and contemporary music festivals and then 1970-1972 acted as press attaché for music festivals in Royan, La Rochelle, Metz, and the Journées de musique contemporaine de Paris. She joined the Festival d’Automne à Paris in ’72 and has worked ever since initially as press attaché for the music programme, then as assistant to the founding director of the Festival, Michel Guy followed by the production manager of programmes and projects. She was concurrently (76-77) radio programme producer France Musique. After the death of M. Guy, she became Artistic Director working with Alain Crombecque as General Director until 2009, and since 2012 with Emmanuel Demarcy-Mota as General Director.

Over the decades, Joséphine Markovits has worked in collaboration with contemporary composers including Karlheinz Stockhausen, Pierre Boulez, Luigi Nono, Iannis Xenakis, György Ligeti, Hugues Dufourt, György Kurtag, George Benjamin, Brian Ferneyhough, Olga Neuwirth, Toshio Hosokawa, Steve Reich, Wolfgang Rihm, Benedict Mason, Unsuk Chin and Ramon Llazkano. She also has presented a range of genres including non-Western music and traditional performances, e.g. Carnatic music from South India (1981), Australian Aboriginal music and dances (1983), China (1986), Bhutan (1991), South Korea (2002 & 2015), Mongolia (2006) and South Africa (1989 and 2013).
We wish to thank the Paris Philharmonie for their support and welcome they extended to all the delegates and members who were present. Did you know: **53% ATTENDING OF THE 485 ATTENDEES** were from member companies. The panel sessions were recorded and are on-line in the conference section of the IAMA website to listen to including:

### What makes a good artist manager?
Emmanuel Hondré, Directeur de la production, Philharmonie de Paris
Joel Ethan Fried, Director of Artistic Administration, Royal Concertgebouw Orchestra
Annette Wolde, Artistic Consultant

### Who cares about selling and why do artist managers need to care? The Promoter’s Perspective
Sonja Epping, Head of Artistic Planning, Gewandhaus zu Leipzig
Cristina Rocca, Vice President for Artistic Planning, Chicago Symphony Orchestra
Alexander Steinbeis, Managing Director, Deutsches Symphonie-Orchester Berlin

### East-West: What can Asian and Western artist management companies learn from each other?
Shohei Abe, Executive Vice President, Amati
Yong K. Kim, CEO, Mastmedia
Sunny Park, Director, Kumho Asiana Cultural Foundation
Kexin Zhang, Director, Standard Artists

### Who Cares about coaching? – is there and should there be a coaching dimension to the work we do as artist managers?
Ian Holder, Executive & Leadership Development Coach, Founding Partner, 3C Partners
Jonathan Groves, Director, Groves Artists
Michael Brearley, OBE, Psychoanalyst and writer

### Who cares about Local Management? Passion and prejudices and a discussion in how we can optimise the General / Local management relationship.
Eugénie Guibert, Director, Sartory Artists
Sonia Simmenauer, Director, Impressariat Simmenauer GmbH
Enrique Subiela, Director, Duetto Management
The 28th IAMA International Conference will take place at Kings Place in London, running Monday 23rd – Wednesday 25th April 2018. The Conference Closing Party will take place in the ancient and beautiful Middle Temple. The Conference Chairman, Ben Rayfield, shares his vision for the 2018 Conference below:

As the United Kingdom risks post-Brexit isolation, it is fascinating to look at the artistic parallels we can draw and the lessons we can learn. How can we balance the complexities of an international outlook with a strong local profile? In our desire to be "citizens of the world" is national cultural identity and regional musical heritage still important or do we risk losing unique sound-worlds? Alternatively, are there powerful creative reasons for looking "ultra-locally" as has successfully been the case in recent years in such diverse sectors as contemporary theatre and gastronomy?

For the 2018 London conference I want to take the UK’s unique current political context to explore the myriad related artistic issues. Woven into this broad theme I am also planning a strong focus on opera as well as looking to the future and how new music is vital to our artists and artform.

I hope you will join us for what I'm sure will be a stimulating three days of lively debate, fruitful networking and a lot of fun!

Ben Rayfield, August 2017

Further details will be released on the IAMA website so do check back regularly for more information.

Booking for the Conference will open in January 2018 – all members will be notified by email when booking opens.
Fit for the future

In the wake of some gloomy survey results in the summer 2016 edition of the IAMA newsletter (‘80% felt unsure or said no to the question ‘Can the commission model alone sustain the artist management sector?’), I chaired a peer-to-peer discussion at the 2017 IAMA conference to tease out the issues.

Amid widespread concerns about the economic pressures on the classical music sector, it was ironic that we were sitting in the spanking new €390 million Philharmonie de Paris. On the other side of town, the new La Seine Musicale was about to open (a mere €170m). In the foyer were brochures for the €870m Elbphilharmonie in Hamburg, opened in January this year and an immediate hit. There’s money there somewhere. As regards content, some areas may be contracting but others, such as baroque music, have been expanding rapidly. Meanwhile, closer to home, this year’s conference had a record 495 delegates, up from 285 in 2001. The number of IAMA full members has increased from 100 to 179 in the same period, and staff numbers in the largest five UK agencies have increased by 52%. Far from being a business in decline, then. However, one that has not seen fundamental change for a long while. Many industries have been overturned in recent years by technology-driven disruption. Could it happen to us?

The most extreme scenario would be disintermediation. Online platforms for direct booking of artists already exist (for example, encoremusicians.com) and, if successful, could cut out agents altogether. However, the group felt that the value we add for high-end artists (who may not have the time, ability or desire to negotiate their own deals) and for promoters (who value our professionalism, the quality of our artist lists, and the trust built up over many years) meant that we are unlikely to lose our place entirely. A possible related disruptive scenario can be seen in the UK property market. Skilled agents still handle house sales, but are now in practice obliged to use (and pay for) a common marketplace such as Rightmove or Zoopla. The founders of website operamusica.com took part in our discussion and urged IAMA to move in this direction. We do in fact already have IAMAs own Classical Music Artists online directory, which operates on a non-profit basis and in the collective interest of its members. The group stressed the need to keep CMA as up-to-date and comprehensive as possible; and to survey promoters about how much use they make of it and what developments would be most valuable.

What about the international context? Much has already been said about Brexit, and IAMA has a dedicated committee working specifically on this. More broadly, do improved communications and travel present a threat to the local management model, allowing everything to be managed centrally? The group felt that local managements offered enough advantages (culture, language, local networks) to persist. Further disruption might come from larger general management agencies setting up overseas offices, although it was noted that this can be expensive and has not yet taken root as a significant part of their business model.

What about the unsustainable commission model? So far, additional chargeable services (such as PR and consultancy) remain on the periphery of members’ businesses, and there is of course the question of developing the internal competencies to compete successfully with dedicated businesses in such fields. As regards the charging structure for the core agency business, in the UK there are legal restrictions under the Employment Agencies Regulations 2003, limiting fees for finding employment to a commission basis. The group noted however that the services provided by IAMA members to artists were very broad, with the booking agent function forming only a part, and speculated that the other elements might legitimately be charged on a different basis (such as a retainer, an hourly charge, or charge per service). The group felt that it would be useful for IAMA to obtain legal advice on this for members. While it’s unlikely that clients would accept higher charges overall as a result of any restructuring, this could help achieve a better match between revenues and effort. It might also help with the perennial problem of cash flow, especially for smaller and newer agencies.

A lot of ground to cover in a one-hour session. Business sustainability will have an important place on the ongoing agenda for IAMAs new Finance Committee, which I am chairing, and we look forward to working further on these questions. We are keen to maintain an international perspective, so to any interested non-UK finance directors: please step forward! Peter Martin, August 2017.

The minutes of IAMAs most recent Financial Directors meeting, chaired by Peter Martin, can be viewed on the IAMA website.
Brexit

IAMA’s Brexit response:

Probably one of the most difficult and far-reaching political decisions of this new century is the vote of the United Kingdom to leave the European Union.

It has been met with outrage together with jubilation depending on whom you talk to. The reasons on both sides are varied and underline the very complicated response to the blunt instrument of a referendum. The wider existential crisis of the European Union has passed but the ripple effect of how relationships might be affected on all sorts of levels will be a subject of discussion for years ahead. The board considered the situation at the April meeting and was clear that a UK apart from the European Union could be a problem for all and that the members should all be lobbying their MEPs in Brussels to make things work especially for the free movement of artists through all countries. If anything, members’ engagement throughout the network is important if you believe in making things work for the ultimate benefit of all in the artist management community. Representation has been made to both the EU Culture Committee facilitated by our Danish Director, Jacob Soelberg (Nordic Artists) and to the UK government (House of Lords) and various members of parliament.

IAMA has posted advice on-line from Taylor Wessing International about what UK companies can do to ensure that their staff of EU nationals maintain their rights by taking applying for certificate of registration (under 5 years of working history) or permanent residence (5 years or more). It costs £65 and is done on-line. The passport scrutiny has been immeasurably simplified and it is not retained at all during the 6-month consideration so travel and mobility will not be affected.

Helen Sykes, Deputy Chairman of IAMA and Managing Director of Helen Sykes Artists’ Management is heading up the initiative to deal with issues that arise but all members can contact the IAMA office for any comments or feedback.

IAMA offers the following viewpoint on visiting artists to and from the United Kingdom once the UK has left the European Union.

In a post-EU member state, the members would strongly support the notion of an open and engaged society where visiting artists may perform in the United Kingdom and British performers may enjoy undiminished access to engagements abroad.

We propose that:

• Visiting artists from the EU countries continue to enjoy freedom of movement and freedom to work in the United Kingdom once the UK has formally ceased to be a member of the EU.

• A reciprocal right of freedom to move and work within the EU be available to artists from the UK once the UK has formally ceased to be a member of the EU.

• Social security arrangements within the EU (A1/E101) be clarified at the earliest opportunity and that any artists either performing in the UK or British artists performing abroad will be subject to an arrangement that does not disadvantage the visiting artist.

• The many pan-European regulations that currently affect our sector, from VAT Cultural Exemption to harmonisation of radio spectrum, Noise at Work to the Digital Single Market, still apply.

• The protective copyright regime and various directives which directly benefit EU artists in their workplaces be incorporated into UK law and that UK artists’ representatives continue to be able to take part in the EU social dialogue committees on live performance and audio-visual.

Furthermore, we propose that:

• the system of Permitted Paid Engagement routes for non-visa nationals be extended to three months (90 days) instead of the current 30 days. This will allow opera seasons to be covered without the need for a visa.

• the old work-permit system should not be considered as an option post Brexit. It would be both bureaucratic, inefficient and impractical in today’s world. Furthermore, it would send out the wrong signals to artists from abroad.

• Visa nationals who come to perform in the UK, have new visa processing arrangements on offer whereby passports are not retained within the processing system. Retention of passports has frequently contributed to problems in the international travel schedules of artist and would be a vulnerable point to address when times are uncertain.

• Visa nationals who come to the UK more than once a year might be allowed a visa with multiple entry options

• Visa nationals who come and go to the UK over a period of time and satisfy security criteria laid out by the Home Office, might be allowed a visa for multiple entry over an escalating time period. For example, a multiple entry visa, for example 30 days, might on further application become 60 days, 90 days, 180 days etc. up to the expiry date of the passport whichever comes first or a limit that the Home Office determines acceptable.

The Association offers its advice to the government, as it has in the past, and should any forums be established to deal with the practicalities of the system that would signal the UK is open for business, we would welcome the opportunity.

If members want to discuss the latest thinking on Brexit within the UK, please call the office and we would gladly hear your views and concerns.

www.iamaworld.com
Members are advised that, through the intervention of IAMA, including a meeting which took place on 11 April in London with Alan Coates (Keynote Artists) and Ronald Vermeulen (MSO), the cancellation clause 17. has been withdrawn from future contracts.

17. Cancellation
17.1 Symphony Services may cancel this Agreement or any Performance for any reason including, without limitation, insufficient ticket sales, and shall pay the Artist:
(a) 25% of the Performance fee for a cancellation up to six (6) months prior to the scheduled performance date.
(b) 50% of the Performance fee for a cancellation between six (6) months and one (1) month prior to the scheduled performance date.
(c) 100% of the Performance fee for a cancellation less than one (1) month prior to the scheduled performance date.

17.2 The Guaranteed Minimum Payment will be reduced by the amount payable in respect of any Performance cancelled under clause 17.1.

The withdrawal of the clause was based on the following arguments:

Three issues raised:
1. The clause is not reciprocal. The MSO can cancel concerts at any given point in time, but the artist could not. Artists may argue that if they receive another interesting offer, they may want to have the possibility to cancel as well.
2. If the MSO would cancel concerts that are part of a larger Australian tour, the artist would suddenly have a gap of a week in the diary and no possibility to replace these concerts.
3. There is sincere doubt if the clause would stand up in court, given it’s one sidedness and given the fact it was not discussed with the other parties before.

There are two points to consider for MSO:
1. The chances of the MSO ever cancelling a subscription concert is negligible. The costs of rebooking or refunding people who bought a subscription would be significantly higher than the costs of playing the concert.
2. For specials such as galas, the MSO will replace this clause with a clear statement which concert(s) will be guaranteed and which it would like to keep on hold for potential repeats. The MSO will put in a deadline, by which they need to decide to open these repeats. The MSO will also stipulate that if, for whatever reason, a performance needs to be cancelled, the terms will be subject to a conversation between the agent and the orchestra.

Cancellation clauses are sometimes very problematic and some managements do not like the inclusion of such a clause when they are too prescriptive. For others, clarity is a priority. Sometimes, however, the reasons for cancellation are complex resulting in the need to negotiate a fair deal for artists.
We are grateful to our international helplines who offer us much support to the members over the years. Here are a couple of interesting questions in the recent past:

Smith & Williamson have provided much advice to members over the years. Here are a few practical questions and advice:

Scenario: Agency A is a VAT-registered business working as a disclosed agent for several artists, who are a mixture of UK-based freelance individuals and companies, some VAT registered and some not. Agency A negotiates sales of its artists’ services to promoters (i.e. arranges engagements for the artists) and issues invoices to the promoters on behalf of the artists. The invoices are between the artist and the promoter (not the agency and the promoter).

1. What details (whose names, addresses, VAT numbers) have to appear on the invoices:

a) if the artist is not VAT registered and the client is in the UK/the EU/elsewhere?

If the artist is not VAT registered in the UK then the invoice raised by the agency on behalf of the artist will not be able to quote a VAT number, nor charge VAT. When raising an invoice to a UK promoter, or to an overseas but non-EU promoter, the details to be quoted are the name of the artist, their business address and the date. In the case of an invoice to an EU established promoter in business then, in addition, the invoice should say ‘This is a supply subject to the reverse charge per Article 44 of Directive 2006/112/EC’. In order to apply the reverse charge the promoter will need to satisfy themselves that the artist is in business. Many promoter’s request the artist’s VAT number, not appreciating that it is only necessary to be registered in the UK if UK income exceeds £83,000 (£85,000 from April 2017). If this happens it will be necessary to find alternative documentation to demonstrate the artist is in business.

b) if the artist is VAT registered and the client is in the UK/the EU/elsewhere?

If the artist is UK VAT registered then standard rated VAT at 20% is charged on artist fees to a UK promoter. The invoice should show the name of the artist, their business address, the date of the invoice and a unique, sequential invoice number and their VAT registration number. If the promoter is in the EU then the reverse charge applies. The invoice should show the name of the artist, their business address, the date, number and their VAT registration number. However, no VAT is charged and the same procedure is followed as for a non-VAT registered artist with inclusion of the text on the face of the invoice ‘This is a supply subject to the reverse charge per Article 44 of Directive 2006/112/EC’. In the case of a promoter outside the UK the supply of services is outside the scope. The invoice can be raised on the artist’s stationery inclusive of name, business address, date of the invoice, invoice number and VAT registration number, but no VAT is charged.

2. If several musicians (freelance) collaborate as an ensemble (e.g. a trio, quartet…) which operates under a performing name, but is not itself a registered business, can the invoice be issued in the ensemble’s name or do we need to invoice in the individual names; if so, can it be one invoice or would we need to issue a separate invoice for each musician?

I assume the ensemble is made up of UK resident performers. If the individual players are not trading as a company or a partnership for direct tax purposes then things get complicated. A trio or quartet partnership would have a separate identity and could have a VAT registration for the partnership separate to a registration in the name of an individual member. If it is a loose association of individuals and not a partnership/company, where some are VAT registered individually but others not, it would be necessary to raise invoices individually. That would also be the case if they are all VAT registered. If none are VAT registered a single invoice could be raised but it would probably still be safer to raise individual invoices in order to give the bank details of every member to whom payment is to be made. Then, no one single member has to deal with apportioning the total fee, nor face possible questions from HMRC about whether s/he is acting as an agency or employing the others.

3. If Agency A also issues invoices on behalf of an artist who is EU-based, does anything change about the way that the Agency should invoice promoters for the Artist’s work?

You will have to be aware of the VAT rules in their home country. For instance, a France based musician is unlikely to be VAT registered. Musicians elsewhere are likely to be in a similar position to a UK registered musician – it can be expected they will charge VAT to promoters in the same country, apply the reverse charge to promoters elsewhere in the EU and not charge VAT to a promoter elsewhere in the world. However, despite the broad principle of VAT being applicable across the whole of the EU, there are local variations that make it impossible to give detailed comment without knowing the facts.

Double tax treaties

What is the position regarding withholding tax and the Double Taxation Treaty between the UK and China?

The Agreement dated 27 June 2011 between the UK and China includes the normal OECD Model Agreement Article 17 wording. As a result, the country (UK or China) where a performance by an artist or sportsperson resident in the other State takes place, has the right to tax the income of the performance. That applies irrespective of whether payment is made directly to the performing artist or a third party. As far as I understand, the rate of withholding in China on payments to artists and sportspersons is 20%. If a payment in respect of performance by an artist were made to another entity, I would expect the same rate of withholding to apply.

A word or two about the relevance of Double Tax Treaties may be helpful to IAMA members

Double taxation treaties may specify reduced rates of withholding for dividends, interest and royalties. The rate of withholding tax on performance fees of artists and sportspersons is not typically dealt with in individual double taxation treaties, it is set out in a country’s domestic tax legislation. For instance, the legislation in the UK defining that the rate of withholding tax is 20% is found in Statutory Instruments. If the basic rate of income tax in the UK were to change, so would the amount of tax required to be withheld on performance fees.

The rate of withholding tax applies for a particular State to all payments to performing artists, irrespective of the country in which the artist is actually resident. However, a double taxation treaty may specifically exclude performance fees from taxation in the State of performance where there is mutual agreement between two Contracting States that the activities are not taxed in the State of performance where the visit to that State is financed entirely or mainly from public funds or by a charity of the other Contracting State. This exclusion is found, for instance, in the treaty between the UK and Germany – Article 16(3).

Across the world, rates of withholding vary from 10% (Estonia, Malta), via 15% (Finland, France) and 20% (UK) to 30% (Italy, USA). A few countries do not apply withholding at all (Denmark, Netherlands and the Republic of Ireland). In Germany there is a 15% rate applied to the gross income of an individual (plus a 5.5% solidarity surcharge of 15%), or 30% to the net.

Smith & Williamson have updated the IAMA tax guide online which should be useful to all members.
The operation of a watchlist for members is a useful tool when it comes to sharing problem payment situations.

There are, however, conditions to be met, such as a minimum time period before IAMA will get involved. There also has to be a breakdown of communication between a member company and the other party for us to also be able intervene.

Remembering that IAMA is a business to business association, we are not in a position to chase your clients for commission but we have been known, in extreme cases, to assist where possible if there is a potential risk to another member company.

Recently, the opera committee proposed that the IAMA Board sanction a late-payment list of Italian opera houses in particular. This was accepted with the understanding that a list on-demand would be available to members wanting to reference the generally expected waiting times for payment.

Our Italian members are not particularly happy about the proposal and understandably, feel that IAMA could be conceived of as a whipping stick. We all know that the problem does not lie with the House but with the flow of public funds from Treasury to Opera house.

We must point out that the step is to be used to help artist managers relay information to their artists. Throughout this process, we will be co-operating with Opera Europa and the local Italian association, ARIACS. Your knowledge and input into the accuracy of this list will also be required.

To volunteer information or comments, email Atholl Swainston-Harrison at ash@iamaworld.com

By the end of July, IAMA had, in 2017, helped in 56 cases relating to copyright, immigration, tax, late payment, and tax queries. Almost half of these cases dealt with matters outside of the United Kingdom. In most cases, IAMA was able to help simply with advice and guidance but there was also an increase in professional helpline usage from 2016.
Opera Committee

Scope of the committee:

The Chairman of the opera committee is appointed by the Board and the members of this committee are determined by the committee chairman. The committee considers all matters raised by the members or partner organisations on any aspect of the management of opera artists. The opera committee subject matter also includes but it not limited to media exploitation of opera; directors’ contracts; cancellation clauses; liaison with partner organisations such as Opera Europa, Opera America and Opera.ca. It does not deal with disputes or act as a negotiating body on behalf of members but rather facilitates pragmatic solutions to current problems. The committee liaises with the Media and Broadcasting committee on common issues.

Issues facing opera managers and the opera theatres have been explored by the Opera Committee.

Deborah Sanders,
Chairman of the Committee,
Rayfield Allied

Jack Mastroianni,
IMG Artists

Sally Donegani,
Maestro Arts

Boris Orlob,
Boris Orlob Management

Maximillian Schattauer,
Svenska Konsertbyrå AB

Our international opera committee (names above) met twice since the publication of the last newsletter and this year we explored the assembly of a list of Italian institutions who have long payment timelines that members find difficult to manage let alone keep their artists happy. There are good reasons for this situation which we all understand but we would like it mapped for reference purposes.

Also this year, Opera Europa created a special invitation for their conference in Kiev including the input of artist management into a panel session, an inclusion we welcome. The Royal Opera House has continued to engage with us in their ideas for a new media strategy as is the English National Opera going forward. We encourage opera managers to get involved and volunteer their ideas and concerns in the coming months and may I draw your attention to the first day of next year’s conference on 23 April which will feature a day of opera matters.

Deborah Sanders, August 2017
Scope of the committee:
The Chairman of the Media and Broadcasting committee is appointed by the Board and the members of this committee are determined by the committee Chairman. The committee considers all matters raised by the members or partner organisations on any aspect relating to the relationships between artists and their representatives, and providers/promoters of recorded and broadcast content worldwide.

It does not deal with disputes or act as a negotiating body on behalf of members but rather facilitates pragmatic solutions to current problems.

Nicki Wenham, Chairman of the Committee
Maxine Robertson, Management Ltd
Katherine Ronnefeld, Deputy Chairman, Opus 3 Artists
Jo Fry, AskonasHolt
Lydia Connolly, HarrisonParrott
Roderick Thomson, Hazard Chase Ltd
Tom Walton, IMG Artists
Susie McLeod, Intermusica
Kellie Mills, Konzertdirection Schmid

Steve Long (Director, Signum Records) was invited to join a committee meeting to discuss mutual issues and concerns in the recording industry. Many topics were discussed including: the rate of increase in streaming, relationships of distributors with venues and other parties, CDs versus digital, digital marketing campaigns and the importance of social media (such as Facebook live) now resulting in downloads to buy, the various digital platforms out there where it’s possible to buy and download, issues with exclusivity and the importance of managers being better informed by the fast and ongoing changes in the industry.

new media clauses mean a discussion is in progress between the media and opera committee chairs with Cressida Pollock, CEO of the ENO coming to address the general members’ meeting on 6 October.

English National Opera (ENO) watch:
After many previous meetings and negotiations with the BBC regarding Store, on the 25th May 2017 the BBC Worldwide announced the closure of BBC Store.

Further to this news the committee asked the BBC to attach the relevant part of the ISM agreement to contracts for easier clarity of the terms that are being asked. This refers in particular to the clause asking to ALL RIGHTS.

Full member benefits:
- International tax advice through Smith & Williamson
- Legal helpline through Taylor Wessing International (Europe and Far East) and GG Arts Law (USA)
- Legal support through Irving David, DWFM Beckman; Marcello Misitano, Studio Legale Quiricone (Italy)
- Free immigration advice for visiting artists (UK)
- Access to a mediation and arbitration scheme
- Support from the IAMA full-time staff members

Unique opportunities to network
- Access to a database of over 300 companies within the classical music business
- Open business opportunities through face-to-face events e.g. conferences, seminars and social meetings

Information – Communication – Discounts
- Free regular newsletters, e-bulletins and reports of meetings
- Password access to a watchlist of reported companies
- Reductions on delegate fees for the IAMA international conference and selected world meetings, including seminars
- Free meeting space for up to 12 people at the IAMA office. Booking in advance necessary.
- Discounts on publications, seminars and hotels as negotiated from time to time
- Free meeting space in London for up to 12 people
- Free company listing on IAMAworld.com
- Offer you involvement in the Association’s governance structures
- Full voting rights for IAMA director elections

Job Adverts
- Free job advert listings on www.iamaworld.com

Affiliate member benefits:
- Regular newsletters, e-bulletins and reports of meetings
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- Free meeting space for up to 12 people
- Discounts on publications, seminars and hotels as negotiated from time to time
- Free company listing on IAMAworld.com
- Access to a pool of professional expertise and an organisation that supports your concerns
- Access to tax advice
- Access to legal advice
- Immigration advice and referral to a list of legal experts
- Access to a mediation and arbitration scheme run by IAMA
- Support from the IAMA full-time staff members

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Macedonia Opens New Philharmonic Hall

In a memorable year when Hamburg’s Elbphilharmonie opened, we have another remarkable concert hall which members will be glad to know has been officially opened.

Given what the orchestra achieved internationally in raising the profile and well-being of Skopje at the time of the 1963 earthquake, the reward of its own home is well deserved. This report has been filed by our Affiliate members, the Macedonian Philharmonic Orchestra under the directorship of Maja Chanakijekivij.

Roza Nolcheva-Angelovska submits this report: On 21st May 2017, the Macedonian philharmonic opened its long-awaited concert hall. Designed by architect Viktor Mihajlov and started in 2009, it is the only concert hall in Macedonia, and it has become the new home of the only philharmonic orchestra in the country which, to date, performed in the improvised acoustics of the Army Hall in Skopje.

An investment of the Macedonian government and the Macedonian Ministry of Culture, the modern building houses two halls: a large symphonic hall seating 1000 and a small recital hall with a capacity of 300 seats. Built to high standards the concert hall will also provide new offices for the orchestra’s administration, a bar and store-amenities which were lacking in the previous spaces that the orchestra performed in.

Geoffrey Norris, former music critic of the Telegraph, praised the hall:

“The new hall is as architecturally striking from the outside as it is impressive and practical within. Acoustically the large auditorium is fresh and receptive to a wide spectrum of volume and instrumental colour. Sight-lines are excellent, the seating comfortable and well-designed. This is an immeasurably valuable addition to the cultural landscape of Skopje and of Macedonia in general.”

The opening concert of the Macedonian Philharmonic Hall welcomed acclaimed conductor Vladimir Ashkenazy to the podium and celebrated Macedonian pianist Simon Trpceski as soloist, in a programme of Prokofiev and Tchaikovsky.
With Marlena Radaschitz on maternity leave, we have appointed Simon Williams on a part-time basis to help us administratively. Simon studied flute at the Guildhall School of Music and Drama graduating with a first class honours degree. He now balances his work at IAMA with a freelance performance career, particularly in the world of musical theatre, and musical education and outreach work.

What’s happening with ClassicalMusicArtists.com?

An intensive ad campaign promoting the website has been launched following the investment of PPL, the UK royalty collecting society’s support of the database. Please help us in our quest to boast that it is the most reliable source of Who Represents Whom in the world of exclusive representation.

Want a mobile friendly version?

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Main dates in the diary

2 October:
Seminar for members on tax and legal matters (conducted in German) Vienna, Hotel am Konzerthaus
15:00 - 17:00

6 October 2017:
Members’ meeting and drinks at 16:00 hosted by Affiliate member, Smith & Williamson, 25 Moorgate, London

5/6 November 2017:
Deutscher Orchestertag (DOT), Berlin – IAMA will be presenting a seminar in the official programme on changing perceptions between orchestra managements and artist managements. First timers to the DOT can get a special rate to attend. Please contact the IAMA office for details.

1 December 2017:
Members meeting at 16:00 followed by Christmas drinks at The Royal Over-Seas League, London.

IAMA Staffing:

With Marlena Radaschitz on maternity leave, we have appointed Simon Williams on a part-time basis to help us administratively.

Simon studied flute at the Guildhall School of Music and Drama graduating with a first class honours degree. He now balances his work at IAMA with a freelance performance career, particularly in the world of musical theatre, and musical education and outreach work.
28th IAMA International Conference
Monday 23 – Wednesday 25 April 2018
Kings Place, London, United Kingdom