1993: The Challenge for the Arts

Reflections on British culture in Europe in the context of the Single Market and Maastricht

by Rod Fisher

THE ARTS COUNCIL OF GREAT BRITAIN

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Introduction

Will 1993 be a watershed year for British arts in Europe as some forecast? Will there be a new cultural renaissance or have we been too easily seduced by all the hype that surrounds the creation of the European Single Market? To what extent will other factors, notably the inclusion of a new article dedicated to culture in the Treaty negotiated by European states at Maastricht and the political changes in the wider Europe, have a greater impact on the cultural scene here?

The creation of the European Single Market may be led by economics, but it is not simply about the unfettered movement of trade. It is also about the movement of cultural goods and services, so that artists can exhibit their works in other Member States of the European Community with a minimum of formalities, and theatre companies, orchestras and film crews can move their sets, instruments and equipment without hinderance when crossing national boundaries. It implies the free mobility of performers, artists and arts managers so they can practice their art or carry out their business in a Member State other than the one in which they were trained. It suggests the introduction of measures to stimulate employment, especially in the audio-visual sector, and moves to improve the economic position and conditions of artists and performers within the cultural sector.

However, while some benefits for British arts practitioners could be foreseen in the run up to 1993 there remained a myriad of unresolved questions. How would the illegal export of works of art from the UK to other parts of the EC and beyond be checked if frontiers and customs controls are dismantled on the other side of the channel and how would any new controls be enforced? How would the enhanced mobility of arts companies affect the programming of British venues and how could they compete with the fees offered to touring companies by venues in some other EC states? Would film and TV productions gravitate to those areas of the EC where labour is cheaper? How could the rich cultural traditions of indigenous minorities and migrant communities be protected? What would be the implications of moves towards copyright harmonisation for UK creators and producers? How could British arts organisations tap the sponsorship potential of overseas-based companies looking for a UK market profile? And does a Single Market imply that UK based artists and

arts organisations would have access to public subvention schemes in other Member States to undertake arts work there?

In an attempt to answer, or at least raise these and countless other questions, the Arts Council decided to organise a major conference in 1990. Many arts organisations are businesses with European connections and the Council wanted to investigate the potential effects on the arts of 1993 when the Single Market was created. The Council was concerned that the arts would be threatened by a form of "Euro-sclerosis" if it did not begin to understand, let alone consider, the issues. It wanted to provide a forum to raise and debate the issues and provide an agenda for future action. An organising committee was established involving staff from the Arts Council, the British Council and ***Sunday Times*** (who had both generously agreed to co-sponsor the conference) and the former Council of Regional Arts Associations. Glasgow was European City of Culture 1990 and, therefore, the obvious location.

In the Autumn of 1989, with plans well advanced and many of the speakers lined up, extraordinary and exciting political changes began to happen in Eastern and Central Europe. Had these events taken place a little earlier, no doubt the conference would have taken on a new dimension, yet the opening up of new possibilities for cultural dialogue and exchange in a wider Europe provided an important impetus to heighten interest in the event. Of course, the new responsibilities thrust on people such as Vaclav Havel, who had been invited before the "velvet revolution" to address the conference, meant that he and other notable intellectuals and arts practitioners could no longer be considered. Sir David Orr, then Chairman of the British Council, aptly summed up the context in which the event was taking place in his greeting in the conference programme, when he welcomed delegates:

> "... with a sense of history rushing towards us, of old barriers breaking down and new opportunities daily springing up".

In the event, **Arts Without Frontiers** was the largest and most ambitious conference on the arts ever organised in Britain. It attracted more than 750 delegates and speakers and at least another 500 were turned away. Inevitably, given the diverse constituency that the Arts

Council serves, there were differences of opinion about the value of some of the conference proceedings and the contributions of some of the 130 plus speakers. Nevertheless, few could argue that the conference succeeded in placing many issues concerning the UK arts sector in Europe post 1992 firmly on the cultural agenda. The reports of the proceedings of the 26 seminars and five plenary sessions of the conference are published separately and provide a record of the Conference. They are worth investigating. By turns stimulating, challenging, controversial and even downright irritating, there is much of interest in them for the arts community, even if they pose more questions than yield answers.

Where are we more than two and a half years on from the Conference? The euphoria that followed the events in Eastern and Central Europe has been replaced by alarm at the rise of nationalism and the re-emergence of old animosities as well as new fears for the future of the cultural infrastructure. The realities of a world recession have cast doubts about the opportunities that were forecast for the Single Market. The jobless total in Europe is predicted to reach 23 million in 1993, which is equivalent to the entire populations of Denmark and the Scandinavian countries. New issues have surfaced concerning the role and powers of the European Community, eg under what conditions will it be possible to maintain and develop an autonomous national cultural policy in the 1990s? There are new doubts about the EC's Social Chapter and its practical impact on UK employment rights and practices. Even the promise of a passport-free EC will not be achieved as Britain, Ireland and Denmark will continue to retain 'internal' border controls on people. The UK assumed the Presidency of the Council of Ministers of the European Community at a crucial time in the count down to 1993 and, with a flourish, launched the European Arts Festival. Even more unexpectedly, the Government established a ministry of culture in all but name, thus aligning itself more closely to the models adopted by most of its EC counterparts. For its part, the Arts Council of Great Britain, together with its funding partners have been preoccupied with establishing a National Arts and Media Strategy, in which 'internationalism' features strongly. It has also begun to develop a policy on international arts.

This report looks at developments since Glasgow in the context of the issues raised and the views expressed by some of the participants at the time. The commentary - at times personally coloured by the author - also provides an occasional pointer in the direction of

things to come. Two guest contributors - Anthony Smith, Vice Chancellor of Magdalen College, Oxford, and Kwesi Owusu, the writer and film-maker - consider cultural diversity in Europe, a key issue at the Glasgow conference. Anthony Smith looks at cultural diversity, language and identity in the context of the state of film and television in Europe today. Kwesi Owusu calls for a re-evaluation of the perception of what it means to be 'European', to more properly reflect the diversity of its peoples and their cultures, and to integrate what he calls the "13th state", i.e. the 20 million citizens with non-European backgrounds. Some, though not all, of the implications of the Single Market are also examined in the report and progress on legislative changes since 1990 are indicated. However, for an in-depth analysis we shall have to await the report of the European symposium of experts organised by the CIRCLE network in 1993 on the potential impact of the Single Market for culture and communication in both EC and non-EC states. We shall also have to await the inventory being compiled for the European Forum for the Arts & Heritage to gain a complete picture of where EC action impinges on the cultural sector.

Meanwhile, the ambitions of *this* document are modest: to counteract the knowledge deficit and to contribute to the continuing debate on the place of British arts in the context of a rapidly changing Europe.

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Message from Maastricht

Now its official: the European Community "will contribute to the flowering of the cultures of the Member States". This opening flourish to Article 128 of the Treaty of Political Union - one of the two treaties agreed at the Maastricht Summit in December 1991 (the other dealt with economic and monetary union) - might lead you to speculate how the curious British penchant for horticultural metaphors was exported to Brussels. Speculation on the tone is understandable, but it is the substance which should concern us, because in agreeing to the inclusion of a new article dedicated to culture, Member Nations entrusted the EC with a mandate both to simulate cultural co-operation and to intervene with support measures to supplement the work of national governments (1).

Not only does this decision legitimise the European Community's role in the cultural sector for the first time (there was no legal basis for cultural action previously under the Treaty of Rome) but, significantly, clause 4 of the article requires the EC to take the cultural dimension into account in its other operations. This is especially important as the work of at least 12 directorates of the European Commission - with responsibilities ranging from copyright and VAT to regional development and tourism - impinges on the interests of the cultural sector.

Hitherto, the signals coming out of Brussels have been confused. The European Commission has consistently denied that it had any ambitions to develop a Community cultural policy and thus breach the principle of '*subsidiarity*' (i.e. that responsibilities should be vested as closely to the level of impact as possible, and action should only be assumed by the EC if it cannot more appropriately be taken at national, regional or local levels). However, some governments have been suspicious that there was a hidden agenda and that the Commission was committed to establishing the framework for an EC wide cultural policy as opposed to policies for culture in Europe. The Commission's five year policy programmes sought incrementally to extend the EC's involvement in culture, and pronouncements from President Jacques Delors and successive commissioners for culture about the Community's cultural role have merely served to muddy the waters. That the EC's cultural action has been ad-hoc and marginal in impact hitherto (except in the audiovisual sector) has been due to the resistance of governments such as Denmark and the UK to acknowledge the Community's competence

without a legal framework.

In practical terms what we can expect as a result of Maastricht, assuming of course that it is ratified by Member States, is the introduction in the decision-making process of some kind of cultural impact statement - modelled perhaps on the lines of the environmental impact statement already operational - in which draft directives emanating from various European Commission departments will be examined for their potential affect on the cultural sector. This should strengthen the credibility, and thereby the influence, of the Audiovisual, Information, Communication and Culture directorate (DGX) of the EC and thus enable it to raise concerns with other Commission departments on a more equitable basis.

Will the EC's newly acquired cultural competence spearhead a cultural renaissance in Europe? Well as Walcot, Lord Mayor of London, said in his ***Ode to Pitt***: "Blessed are those that nought expect, for they shall not be disappointed". The cultural initiatives proposed in Article 128 [see Annex A] are relatively modest. They envisage action to improve the knowledge and dissemination of Europe's culture and history; the conservation and safeguarding of the cultural heritage 'of European significance'; support for non-commercial cultural exchanges and for artistic and literary creation, including *in* the audio-visual sector. Furthermore, incentive measures proposed by the Commission will be subject to unanimous agreement by the 12 ministers responsible for culture. The European Parliament also has the final right to block proposals for new measures in the event of failing to reach agreement with the Council of Ministers and, in itself, the culture article cannot be used as a mechanism for harmonising legislation in Member States.

Nevertheless, even if a significant expansion of direct investment in cultural life by the EC is unlikely, the message of Maastricht is that the profile of culture will be raised on the European political agenda. Some commentators even forecast that Maastricht will have a greater significance for the cultural sector than the European Single Market.

Britain, A Part of or Apart from Europe?

"Did culture ever have frontiers in the sense that it didn't permeate from one side of the border to the other?" asked **Lord Carrington** at the Arts Council's 'Arts Without Frontiers

Conference' in Glasgow.(2) Culture cannot be prescribed by national and regional boundaries; defined perhaps, but confined surely not. Yet, whether consciously or not, the British often seem to have created their own barriers against Europe: political, economic, intellectual and cultural. **Neil Wallace**, Director of the Tramway, wonders what is so enduring or stubborn about these frontiers:

> "In Britain's case, '1992' is perhaps the next threshold in an historical context which is just under 1,000 years old. It is characterised by an instinct which says 'try not to get involved with Europe unless it's politically or economically opportune to do so.' It's got something to do with the legacy of what Jan Morris called 'the aesthetic of Empire'. It's the power of a dominant language, a culture which transmits, dominates, extends more readily than it adopts, welcomes or hosts, in an international sphere...." (3)

It's surprising that many individuals in the arts continue to talk about Europe as though Britain did not belong to it. This attitude was wittily encapsulated at the Glasgow Conference by **Anthony Smith**, Vice Chancellor of Magdalen College, Oxford, and former Director of the British Film Institute:

> "Britain's special contribution to Europe is the special nature of our detachment from it... We have a complex and precise cultural relationship with that Continent, but always look at it through a particular set of telescopes of our own". (4)

If there is difficulty sometimes in positioning ourselves within Europe, of overcoming 'the frontiers in the mind', there is no doubt that many delegates came to the Glasgow conference with a 'what can I get out of Europe' attitude and, consequently, it is not surprising that, with the exception of the networking seminar, the most heavily attended seminars were those dealing with funding and marketing. **Val Bourne**, Director of Dance Umbrella, referred to this "rather predatory attitude to Europe" and she had a warning:

> "There's a lot of talk about what's in it for us out there; can we plug into their

> funds, into their festivals and their touring networks. It's rather selfish, one-way thinking and I think we should look at exactly what we are offering them in return. I would suggest that it's half the fees that they're usually paid, sub-standard hotel accommodation and very chauvinist critics" (5)

The question of motive is also uppermost in Neil Wallace's mind as the following quote from Britons Abroad reveals:

> Are you making a move into the Europe of 1992 because now's the time to bid for new money, or to see if you can really score grants from foreign ministries, or try and flog your project there? Do you think you'll find more interesting versions of the things that bore or disappoint you here, or maybe it's just time to be international? If any of this is at the back of your mind, I suggest they're all misplaced ideas."(6)

Yet the arts are part of a process of economic, political and social change in Europe and increasingly it is recognised that Britain should be helping to shape the cultural agenda. By engaging in cultural dialogue and exchange on the basis of a genuine desire to share and to learn we can counteract the image of ourselves as reluctant Europeans.

Fortress Europe?

Ironically, as British artists and arts organisations look increasingly to Europe to expand their artistic horizons and, more in hope perhaps than expectation, their financial base, anxieties have arisen about the dangers of a 'fortress Europe' being erected by states in the EC against other countries, and there are fears that the Single Market will make it more difficult than before to engage in cultural exchanges with non-EC countries. **Lord Carrington** raised the issue first, when he posed the question at the beginning of the Glasgow Conference in relation to the export of works of art.

> "Are we going to insist upon a European fortress in which things can happen in the Community, but can't happen outside it" (7)

Consequently, it was refreshing to read in Article 128 of the Maastricht Treaty that the

Community and Member States "shall foster co-operation with third countries (i.e. non-EC countries) and the competent international organisations in the sphere of culture". (8) The obvious danger of the EC establishing new forms of protectionism is that other nations or groups of nations may be tempted to do the same. Indeed, the EC ministers responsible for culture, acting in tandem in the late Summer of 1991, had to lobby the American authorities on the proposed imposition of new US immigration laws that threatened to severely curtail the availability of visas for foreign artists and performers - a threat, incidentally, which has been reduced, but not eliminated.

Commission officials also consider that those in the arts should seize the new opportunities of a Community spreading towards the East. But what potential impact does the opening up of Eastern Europe have for governments and the arts in the West? In the judgement of **Lord Jenkins of Hillhead**, Chancellor of Oxford University and former President of the European Commission, it was too early to say.

> "It has all happened with such splendid awesome precipitousness that hardly anyone knows where they are. In the West, momentum has been regained after 20 years of semi-stagnation, but in the East a river that has been frozen solid for 45 years has suddenly burst into tempestuous torrent." (9)

Nevertheless, it is evident that there is a vast disparity between the economies of Eastern and Western Europe and the non-convertible currency situation is proving a new form of incarceration for those countries moving to a market economy. Eastern and Central Europe is also facing what writer and journalist **Neil Ascherson** referred to as an "extraordinary cultural death", as subsidies are withdrawn, arts bureaucracies dismantled and support for culture is relegated to the bottom of the political and economic agenda. (10) The budgets of ministries of culture in most Eastern and Central European countries have been reduced annually since the political upheavals. An exodus of artistic talent, especially in the music sector, is impoverishing Eastern Europe. Once the political system drove artists to the West; now it is poverty. The difficulties are being exacerbated by a crisis in theatre attendances in Czechoslovakia, Poland, Romania and Russia as the public, confronted by the novelty of access to 'alternative' truths from uncensored TV and newspapers, and an influx of

Hollywood movies, have deserted the theatre in their thousands. From a time when concert tickets in Poland were equivalent to the cost of a packet of cigarettes, some prices have risen to such an extent that they are roughly the same as a week's wages. Serious literature is imperilled by the closure of literary magazines and bookshops. An acute shortage of capital due to the withdrawal of subsidies has led to substantial price rises for books, severely threatening the existence of former state publishing houses. National libraries in several Eastern European capitals no longer have a budget to acquire books. The National Gallery in Prague has made almost 20% of its workforce redundant - one example among many of the logical consequences of reductions in state assistance to a cultural system whose institutions were previously overstaffed. The film industries in Eastern and Central Europe are even more threatened than those in Western Europe. Only in Poland does the film industry seem to be surviving the transition, thanks to an injection of Western capital and producers. Culture is being forced to operate in a market-dominated climate, but with little in the way of marketing or distribution skills. The collapse of the state apparatus that previously protected culture from economic realities has left the sector ill-prepared to confront the rigours of market competition.

It is self-evident that Eastern and Central European countries are desperate to acquire business, financial and technical acumen and there is a role here for the British arts sector. However, it is also increasingly recognised that information and skills transfer needs to be handled with sensitivity. Misguided or opportunist offers of advice bring with them the danger of a new form of cultural imperialism.

Artists from Central and Eastern European countries are not ready yet to fully engage with their Western counterparts. As the Prague Declaration proclaims, their countries need a political agenda that will enable the cultural sector to survive the period of economic transformation if they are not to sacrifice their infrastructure, their artistic integrity and, above all, their cultural identities. (11)

The Regional Dimension

The Europe of today is a legal construct with national frontiers that rarely coincide with ethnic realities and frequently impede regional aspirations. The debate between the centre

and the regions has not been completely overshadowed by East-West rapprochement. Indeed the developments of 1989 have, if anything, highlighted what **Eduard Delgado** referred to as the evolution of a dialectic between culture and territory. (12)

The European Parliament's vision of the EC of the future is of a Europe of the regions, each having its own democratically elected institutions with the necessary powers to participate fully in achieving Europe's political, economic and cultural goals. However, currently there are huge disparities in the resources of the regions. The per capita GDP in the region of Groningen in the Netherlands for instance is 4½ times that of the Voreio Aigaio region of Greece, and more than twice that of the UK's poorest 'region', Northern Ireland. Inevitably, in a Community with few internal frontiers, people and money will go where the economic environment is most favourable, thus benefiting the stronger regions. While it is attempting to bridge the huge gulf that exits, the European Community is encouraging greater solidarity between the regions. In any case, the regions of Europe are now regarded as having more in common culturally with their neighbours across national frontiers than they do with their own national capitals. We see firm evidence of this in the collaboration between Catalonia, Rhone-Alpes, Lombardy and Baden-Wurttemberg, who are promoting themselves as the economic and cultural motor of Europe. **Neil Ascherson** observed that the skin of nation states in Europe is becoming permeable:

> "Power will therefore move away from the conventional national governments of the twelve and it will move... upwards to the supra-national organisations, but it will (also) move downwards towards centres which until now have been regarded as provincial cities or regional capitals". (13)

Maastricht provided proof of this in the decision to establish a Committee of the Regions, comprising representatives of regional and local authorities, as a new layer in the consultation process on all EC legislation affecting regional and local government. Significantly, the Committee is to be consulted by the EC on the implementation of any incentive measures under the new culture article.

The region is increasingly portrayed as the most appropriate level in which networking and

an interaction between projects of a cultural nature can be developed. In the view of **Eduard Delgado** the region was "the ideal space in which economic strategies and cultural strategies can meet".(14) The ten new Regional Arts Boards in England can now grasp the opportunity to demonstrate this reality.

The Council of Europe's project on Culture and the Regions, which concluded its long study at a conference in Lyons in October 1991, has provided a laboratory for testing the desire and strengthening the capacity of regional authorities to develop cultural strategies and foster multi-lateral co-operation. One of its legacies is likely to be the creation of a network of regionally-based 'observatories' to compile and exchange data and monitor the implementation of measures to promote cultural action at the regional level. Another is the instigation of modest support to promote inter-regional cultural co-operation.

Of course it is often difficult to separate discussions on regional identity from notions of cultural identity. The reassertion by regions of their own identity is inextricably linked to perceptions of their cultural differences. EC moves to boost cultural tourism, together with a greater exchange of cultural activity on a regional basis, should strengthen this sense of regional identity. However, with a passing nod perhaps to some developments in Britain, Eduard Delgado has warned that although regional identities cannot be invented, the images can, and it was sometimes difficult to establish the difference between the two. (15)

Cultural Diversity or Marginalisation?

The debate about cultural identity acknowledges genuine concerns about whether indigenous linguistic minorities and ethnic minorities that had originally migrated to Europe can sustain their unique cultural identities in the face of the moves towards European integration and the development of what some fear will be a bland supra-national cultural identity. Political slogans may extol the virtues of a united Europe, but it is evident that European integration does not mean cultural integration; Europe's diversity is also its strength. So how can we reconcile the paradox of European unity with cultural diversity? How can we ensure minorities are given equal opportunity to share *their* vision of a future 'cultural' Europe?

About 40 million people in the EC speak an indigenous language other than the majority

language of their countries. The cultural heritage of minorities is deeply rooted within Europe. Some, such as the Catalans and Basques in Spain, represent larger numbers of people than several European nation states. Yet concern remains that insufficient is being done to arrest the decline in the cultural heritage and traditions of many of these people. As Ned Thomas has remarked in the context of Wales and its language:

> "Without a deliberate policy a small culture will simply be overwhelmed by the powerful influences beamed at it in world languages by satellite television and trans-frontier advertising" (16).

Anxieties are also frequently expressed about whether local cultures can enhance their economic potential through tourism without sacrificing their cultural integrity. The Council of Europe, at least, is attempting to inject a degree of sensitivity into tourist development through the promotion of its cultural tourism routes (eg the Baroque, Silk, Celtic, Vikings and Cistercian Routes), which seek to highlight the diversity of Europe's cultures, and both the Welsh Arts Council's development strategy and the Scottish Arts Charter are likely to determine the strategic and collaborative contribution the funding agencies could make to support the culture and languages of their indigenous minorities, in line with one of the recommendations of the Arts Without Frontiers Conference. (17)

In his report to the Arts Without Frontiers Conference, rapporteur **Robert Maycock** referred to what he called the "outsiders" who, nevertheless, succeeded in making their impact on the conference. The issue which most divided the "outsiders" from other delegates was the view that insufficient opportunity had been given at the conference for black administrators and artists to express their opinions on Europe. It had first surfaced in the seminar on 'Cultural Diversity', had simmered throughout the Conference and had a large platform in the final plenary session.

The artist **Gavin Jantjes**, a former member of the Arts Council, regretted:

> "... the conference's neglect of taking on board in the broadest possible way, in a post-modern manner, the manifestations of the issues of otherness and

difference."

In his view we risked:

> "making Euro-centrism the centre of our thinking on cultural policy, and thereby leaving out the new Europeans whose physical presence cannot be overlooked anymore and which will not go away". (18)

It is a theme which is taken up by Kwesi Owusu in his article.

Of course Euro-centrism is not an exclusively British 'problem' as the Sixth Conference of European Ministers responsible for cultural affairs recognised when issuing a ***Declaration on Multicultural Society and European Cultural Identity***, which calls for political action to ensure all communities have scope to express their own cultural identity, as well as opportunities to participate in the development of European culture.(19) Today, the Ministers might have commented on the irony of the fact that 25% of the citizens who voted in Antwerp, European City of Culture 1993, cast their votes for the extreme right-wing Flemish Blok dedicated to repatriating 'migrants'.

The sensibilities raised by Salmon Rushdie's book ***The Satanic Verses***, and the need to address the increasing tension between freedom of expression and respect for religious tenets in a multi-cultural society, have to be seen in the context of there now being more Moslems in Europe than Scandinavians. Deep in the mythology of the European imagination, as **Michael Kustow** reminds us, both Arabs and Jews are considered 'aliens' in some way. The creation of Othello and Shylock by Shakespeare are both reflections, in Kustow's view, of this long held image of Arabs and Jews as 'outsiders'. (20)

The re-emergence of anti-semitism and attacks on migrant workers and refugees emphasises a further dimension to the question of 'ethnicity' or 'multi-culturalism': the mass movement of peoples in Europe as a result of the changes in Eastern Europe and the war in the former Yugoslavia. Umberto Eco has predicted a huge displacement of 'white' ethnic groups within Europe during the next 30 years on a scale not seen since the fall of the Holy Roman Empire and, as we are seeing, this is re-opening deep-seated prejudices which had been controlled,

but not exorcised, by communism.(21)

If European unity in diversity is to become a reality, the challenge for the UK, as **Shobana Jeyasingh**, Bharatha Natyan choreographer and dancer said, is to accept that cultural diversity is:

> "... more than using art as an ambassador to promote better understanding, as demolition material to break down barriers or as anthropological exhibits to learn about others... diversity is useless without equality, without an equal passion for artistic excellence, without an equal concern for artistic practice, without an equal respect for its history; and Black and Asian arts are not just a political and social necessity, but also an artistic necessity." (22)

There was a strong feeling at the Glasgow Conference that the Arts Council should take the lead in developing a greater European awareness of the policy initiatives necessary to achieve a new consensus that recognised the importance of ensuring access for minorities to the majority culture and opportunities for minorities to assert their own cultural forms in the future Europe. In this way, as **Gavin Jantjes** said, Europe could look to this country to suggest how the British experience could help it address the issues of cultural difference and cultural equality and "the important issue of making difference matter in the new open Europe of the 1990's". (23) An opportunity will present itself in Helsinki in 1993 at a Round Table Conference on 'Human Rights and Cultural Policies in a Changing Europe', organised by the CIRCLE network and the International Movement on Rights and Humanity. (24) This will address the issue of how everyone, including members of minority or disadvantaged sections of society might best be empowered to participate in cultural life and enjoy their cultural rights and freedoms, which are enshrined in international conventions. The Arts Council is providing a limited number of travel bursaries to facilitate UK participation at this event, which assumes a greater significance in the light of the failure of the European Community's new culture article at Maastricht to make any specific reference to the place of non Euro-centric arts in helping to shape culture in the Europe of the future.

Conscious of the need to further promote Black arts in European Community states, the British Council instigated a pilot series of Black Travel Grants in 1991, in conjunction with

the Arts Council and with the support of the EC. These were intended to enable Black and Asian artists and administrators to identify what is happening elsewhere in Europe and to forge links with their counterparts abroad. Building on this, the Arts Council and Birmingham City Council are organising an international seminar - 'European Connections: Cultural Diversity in Europe - Networking through the Arts' - in Birmingham from 13-16 May 1993 to bring leading Black, Asian and other non-white practitioners together to build partnerships and to discuss issues of common interest. Together with the London Arts Board, the Arts Council has also launched the Institute of New International Visual Arts, a project to establish a contemporary visual arts gallery and resource centre that will promote contemporary artists from Africa, the Caribbean and Asia, including those living in Europe.

Another group in society which has been marginalised in the arts is disabled people. The fact that Britain is one of the pioneers in arts and disability programmes in Europe may surprise those people who are only too aware of the long way to go before equality of access and opportunity and the provision of adequate funding is achieved. Yet we have much to contribute to European experience (as the extensive initiatives in this sector and the emergence of a genuine disability culture testify). A major obstacle to be surmounted is the lack of any debate of substance on the issues at a high enough political level in Europe.

Such discussions as have taken place within the arts and disability community in the UK have focused in particular on the role of the European Committee on Creativity by and with Disabled People of the European Community (EUCREA), which was set up by the EC. EUCREA provides modest assistance to promote conferences, seminars and innovatory projects that extend the potential for disabled people to be involved with the arts. Implicit in these debates has been the effectiveness of EUCREA and the extent to which artists with disabilities participated in the decision-making process. There is general agreement that the role of EUCREA should be strengthened and that it should adopt a more positive role as a lobbying, networking and advisory body, concerning itself with issues such as access. (25) To improve communication with Brussels, a national arts and disability forum was established following the Glasgow Conference through which recommendations from the UK could be channelled to EUCREA.

Promoting Cultural Exchange and Collaboration

Of course one of the best ways to sustain cultural diversity is to promote genuine cultural exchange and dialogue. The import of more work by overseas companies and the inclusion of more foreign work in the repertoire of British companies is recognised as essential to breakdown the insularity of the arts in Britain. Exposure to the arts of other countries enriches the work of the British cultural sector and the experience of the arts public, especially if efforts are made to set the activity in a context accessible to local audiences. Touring overseas, it is generally accepted, stimulates the work of companies and has a beneficial impact on their repertoire. It plays a major role in enhancing the positive image of the UK and can also be an important revenue earner.

Many of those involved with touring arts companies overseas or importing arts product to this country do not believe the European Single Market will make any major immediate difference to their work. Only a few seem to recognise that the resolution of issues such as a common European currency, the approximation of VAT rates and access to public subvention schemes in other countries could all have a significant bearing on touring some time in the future.

However, there is general agreement that major obstacles need to be removed to facilitate the touring of British companies overseas and reciprocal tours to UK venues by foreign arts organisations. The principal barrier is financial. The perceived lack of finance available for British companies to tour abroad and, because of this under-funding, a requirement to reflect marginal costs (i.e. overheads) in their fees, may result in them becoming uncompetitive, as they are often considerably more expensive to hire than comparable companies elsewhere in the EC. Secondly, there is insufficient financial support to enable promoters to make visits overseas to view the work of arts companies. Third, the funding available through Visiting Arts and the Arts Council's International Initiatives Fund to enable presenters and venues to bring in overseas arts is regarded as inadequate. This has resulted in the UK being unable to offer reciprocity to overseas companies on an equitable basis and, ultimately, this reduces the opportunities for British companies to work abroad. **Stephen Remington**, Director of Sadler's Wells Theatre, argued at the Glasgow Conference that the introduction of new, unknown or minority interest work from overseas should form part of the Arts Council's

strategy. In his opinion:

> "If the UK is to fulfil its true potential as a centre for international performing arts, there must be genuine and thorough political commitment from government, guided by the Arts Council, and there must be serious funding to signal that commitment". (26)

The Arts Council has taken into account in its National Arts and Media Strategy the need for increased support for international arts activity, and it will seek to persuade the Government of the importance of allocating additional resources in this area. At the same time, current restrictions on the use by Arts Council clients of any part of their subsidy for touring overseas are likely to be re-examined.

But there are also other obstacles to international exchange. For example the withholding tax levied on foreign performers and entertainers, which some promoters argue has been inconsistently and inequitably applied by Inland Revenue in the UK, differs considerably from country to country. There may be scope here to lobby for a rational and more equitable system for levying the tax. The sometimes restrictive attitude of UK immigration authorities to the granting of visas and work permits to non-EC artists is also a problem, and the need for bodies such as the Arts Council to press for more flexibility in the approach of the Home Office and Department of Employment is recognised.

There is a constant demand for more information. Calls in Glasgow for information on European venues, theatres, orchestras, opera and dance companies, festivals and promoters etc, have been largely met with the subsequent publication of the ***Performing Arts Yearbook for Europe***. (27) Information on funding opportunities provided by the supra-national and inter-governmental agencies, UK organisations and foreign embassies and cultural institutes is included in the new edition of ***Who Does What in Europe?*** (28), and on the EC specifically in ***Bread and Circuses*** (29) The pleasures and pitfalls of touring will be revealed in ***On the Road? The start-up guide to touring the arts in Europe***, which will provide basic information on work permits, regulations, taxation, key promoters that are interested in British arts, and the structures and organisation of culture in different European countries.

(30) The Arts Council's policy on international arts is likely to argue strongly for links between it, the British Council and Visiting Arts to be strengthened to better co-ordinate information and advice presently available to UK arts organisations and artists wishing to work overseas and to promoters and presenters bringing foreign work to the UK.

Better use of existing expertise could also be achieved by persuading UK arts producers, promoters and presenters to share information they have acquired in return for additional travel funds to enable them to extend their contacts and knowledge of overseas work. 'Gateway' producers and presenters would benefit from co-operating through the creation of consortia of UK venues with common interest in promoting overseas work.

Meanwhile, the French Ministry of Culture is establishing a database on the national Minitel system to provide information about training, touring, festivals, visiting companies etc, which can be accessed by French artists and companies. It will include some information on the arts scene in other EC countries, reinforcing the point made by **Jodi Myers**, Director of Warwick Arts Centre, that touring plans in future will have to acknowledge that Europe is a continuous market and that "... people's touring schedules are not going to be simply Bath, Manchester, Canterbury, they are going to be Bath, Paris, Aberdeen and Amsterdam". (31)

This calls into question whether the marketing strategies of UK arts companies should be directed to the trade overseas, ie the promoters and presenters, or to the audience. Marketing directly to audiences is clearly a more daunting task and not helped by the lack of suitable data in Western Europe (with the notable exception of France and Sweden). It is now accepted that funds are needed to promote British arts organisations to overseas presenters, especially via promotional videos. Meanwhile, the Arts Council, in conjunction with the British Council, is commissioning a promotional pack on British dance targeted at overseas promoters and venues.

Opinions remain divided, however, about the value of trade fairs, though some presenters and promoters continue to argue for more showcases for British arts. There are moves within the dance world to provide a showcase for small dance companies and, of course, events such as Dance Umbrella and the Spring Loaded Festival at The Place already provide

a shop window for British and overseas companies. There seems little disagreement about the need for more advice on how to devise strategies for marketing British arts in Europe, and the feasibility of creating a focus for the exchange of ideas and experience on marketing the arts overseas will need to be investigated.

Many delegates at the Arts Without Frontiers Conference were surprised to discover from **Dr Peter Girth**, formerly Intendant of the Berlin Philharmonic and ex-Chief Executive of the Dusseldorf Symphony Orchestra, that anyone wishing to co-operate with publicly-funded German cultural institutions "should presuppose a lack of professionalism in the marketing sphere". (32) It is evident that the UK arts sector is more advanced than most of the rest of Europe when it comes to the introduction of marketing techniques.

Households in Germany receive the highest per-capita levels of direct mail in the European Community as the country's strict laws against individual market profiling and its broader postcodes make it impossible to target mailings with precision. The restrictive domestic legislation in Germany was the model for the European Community's draft ***Directive on Data Protection***, which threatened not only the marketing strategies of British arts organisations abroad, but in their own country. (33) A key proposal in the original draft Directive put the onus on individuals to 'opt in' (i.e. express a willingness to be included on a database for marketing purposes before an organisation mailed them) rather than having the choice to 'opt out' (i.e. specifically request information not to be relayed about them to other organisations). This would stop arts organisations renting or exchanging mailing lists. Subscribers could be recruited via direct response advertisements but, in common with the 'opt in' requirement, this would be time consuming and expensive and would have a particularly bad impact on fundraising and on audience development. In addition, the draft Directive proposed to restrict the ability of the data user to profile individuals according to certain categories of acquired information, including ethnic or racial origin, and this would make it much more difficult to target an audience who may be interested in, say, Irish folk music or Indian dance. The net effect would be to require arts organisations to undertake blanket mailing to all those on its list, irrespective of whether or not they are likely to be interested. Obviously it would prove inefficient and costly.

The Arts Council and the National Campaign for the Arts lent their support to the umbrella group CHANGE (Charities and Non Profit Groups in Europe) created to lobby against the more onerous aspects of the Directive. CHANGE pressed for a European mailing preference scheme that individuals could join, thus enabling them to opt out of receiving direct mail. It also sought the removal of restrictions in the Directive on data transfer overseas and on profiling all but the most sensitive of data. A revised Directive, which took some account of the wide range of amendments put forward by the European Parliament, was produced by the EC in October 1992.(34) As a result, the threat to automatic profiling as a means of direct marketing appears to have receded and some of the more burdensome administrative procedures required under the initial proposal have been removed. In contrast with the original Directive's emphasis on 'opting-in', the new text requires the data subject to be given the express opportunity to 'opt-out'. However, ambiguities remain concerning the level of information that would have to be provided by an arts organisation to enable the individual to make that choice. Furthermore, although the amended Directive allows for increased subsidiarity in that Member States look set to play a greater role in the implementation of the proposals, this may mean that decisions in the UK will be left to the interpretation of the Data Protection Registrar, who may favour the data subject rather than the data user. There is also concern about the composition of the working party which the Commission has proposed to monitor the implementation of the Directive, and whether it will contain some input from data users.

A common position on the Directive is unlikely to be reached by the Council of Ministers until late 1993 at the earliest and the Arts Council will continue to support the campaign by CHANGE to ensure the interests of arts organisations are not damaged by these or subsequent proposals expected in areas such as telesales. The interests of the arts and charity sectors will certainly not be harmed by the lobbying of the Union of Industrial and Employers Confederations of Europe, who have argued that the scope of the draft directive remains too wide and the cost implications could be considerable, especially for smaller businesses.

The data protection episode reaffirmed the need for those concerned with the arts to have an effective European channel for the examination of issues that encroach on their interests and

to relay their concerns to Brussels. A European Forum for the Arts and Heritage has been established as a direct response to the EC's involvement in issues that affect the cultural sector, and the challenge of working in a more open and potentially more cohesive Europe.

Obviously one of the reasons why some promoters and managers of arts companies do not foresee major changes with the advent of the Single Market, is they are already familiar with the European arts scene and have established their own networks. Of course networking has become a "buzz" word, partly because it is seen as a key to unlock funding from the supra-national and inter-governmental institutions, and partly because it provides a ready-made entrée to a wide range of contacts in Europe.

UNESCO attaches particular importance to networking and it has chosen as a long term objective to support the inter-connection between different cultural networks, including the promotion of databanks. The EC too has recognised that networking is a cost-effective way of increasing multilateral co-operation. In November 1991, the Ministers responsible for Culture in EC states issued a ***Resolution on European Cultural Networks***, agreeing to encourage the participation of cultural organisations through co-operation on a European-wide scale, and inviting the European Commission to explore with member nations opportunities for networks to play an enhanced role in cultural action. (35) From 1993, the Audiovisual, Information, Communication and Culture directorate (DGX) will provide modest financial support to networks through the Kaleidoscope scheme to help them contribute more effectively to cultural exchange and co-operation. The EC will be looking to support networks that have "co-operation competence", i.e. that facilitate real trans-frontier co-operation, and wish to extend their work to new countries, and it will also be prepared to assist the creation of new networks that meet genuine needs.

A directory of networks compiled by the Arts Council, ***Arts Networking in Europe***, indicates the multiplicity of cultural networks operational in the European arena. (36) Many of these are specialist groups whose prime interest is to exchange information via meetings, conferences or publications. In some cases the co-operation extends to collaboration with projects. Some networks lobby for special causes, while most provide services of some kind. Areas of overlap are clearly revealed by the directory.

One of the key issues is to establish more of a dialogue between the various networks and the British funding agencies and perhaps a greater recognition by the latter of the role networks play as 'gateways' to the rest of Europe - a policy development endorsed by the National Arts and Media Strategy.

One of the primary objectives of the seminar on networks at the Glasgow Conference was to assist those individuals who did not possess networking experience towards a critical understanding of some of the existing mechanisms for cultural exchanges, co-operation and co-production in Europe. The driving force for co-productions at a time of limited resources is usually a financial one. Co-productions developed first in the opera sector because the costs were on a bigger scale. However, the concept has spread. The potential for sharing costs in the music sector through collaboration has been stressed by **Clive Gillinson**, Managing Director of the London Symphony Orchestra. As illustrations, he cited the joint commissioning of new works and the development of major thematic festivals between British and foreign orchestras. (37) But there is a hidden agenda. The concept of co-productions as being "I have a wonderful idea and you're going to pay for it" (an amusing definition attributed to **Ritsart Ten Cate**, former Director of Amsterdam's late, lamented Mickery Theatre) will not advance the potential of such collaboration very far. Not only do co-productions mean the sharing of costs, they mean technical collaboration and they raise fundamental questions of artistic policy. Inevitably, they involve compromise as the expectation of the partners are often different. It is also important to understand that the choice of partners you can collaborate with is small, as there has to be a common artistic vision and a respect and shared understanding that can only come from the development of a close relationship.

Collaboration with companies in Central and Eastern Europe may raise unrealistic expectations on both sides. The lack of fax machines, photocopiers and computers has impeded co-operation, budgets may be inaccurate because of rising inflation and even basic requirements such as good press kits may not be readily available. On the other hand, currency differentials might be overcome by product exchange. Barter agreements are already in evidence in TV deals in the West and **Steve Austen** of the Felix Meritis Foundation in Amsterdam has been working on the creation of an organizational structure

for a product 'Bank without Money'.

Co-production also raises important questions of communication. **Janek Alexander**, Theatre Programmer at Chapter Arts Centre, observed in Glasgow that:

> "... we talk about presenting something, 'producing' something, 'co-commissioning' something, 'co-producing' something; we talk about 'financing' things, we talk about 'co-financing' things and about 'joint ventures'... What's really needed in theatre .... as people begin to work internationally, is a form of common language". (38)

It is generally recognised that to get co-productions off the ground necessitates planning several years ahead, and those involved are convinced that the funding bodies should be prepared to commit finance to producers and projects at least three years ahead to make co-productions possible. In a 'Single European Space' the funding agencies themselves may increasingly demonstrate interest in trans-frontier co-operation, after all, as Eduard Delgado has observed: "...in a climate of deregulation within the arts, international co-operation remains one of the areas where the state's presence is most resilient. (39)

Movement of Art Works Across Frontiers

Proof that the political barriers were being breached even before the events of 1989 was provided by news of a Mark Thompson installation in Berlin. Built up over several weeks at the Kunstellerhaus Bethanian, it involved a swarm of West German bees that flew in and out of the gallery with pollen collected from both sides of the Berlin Wall! Clearly a defiant cultural gesture, though perhaps not the most obvious model for artistic exchange, not least because the traditional repertoire of exhibitions mounted overseas would not normally include small invertebrates. Mark Thompson's installation might have been expected to generate some fairly unique problems, but often the difficulties that confront galleries touring exhibitions or live art performances overseas or collaborating across frontiers can seem equally formidable. Many of the problems centre on costs, as **Iwona Blazwick**, formerly Director of Exhibitions at the Institute of Contemporary Arts, observed in Glasgow:

> "...the costs of obtaining loans of both historical and contemporary works of art are rocketing. Lenders often demand the use of their own packers, transporters and insurers who can charge double what we expect to pay in Britain. Museums often insist on their own staff accompany works on cross European tours, flying first class and expecting substantial per diems". (40)

Live art/performance art work often has to be 'restaged' to travel overseas and the cost of this can sometimes be prohibitive.

The form of cultural exchange most favoured by British galleries and museums is the touring model, which involves initiating and paying for exhibitions and then selling them to other venues. The preferred model on the Continent is collaboration involving the sharing of all costs and the intellectual development of the project. The problem is that in mainland Europe the basic costs of installation, consolidation and movement of works are considerably higher than in Britain. This certainly inhibits collaboration between smaller galleries and their European partners. It is recognised that more attention needs to be paid to the core funding problems of British galleries to enable them to collaborate with counterparts in Europe.

Arguing for the need to share costs, **Jean-Hubert Martin**, former Director of the Museum of Modern Art at the Centre Pompidou in Paris, believed that part of the problem was the tendency for more and more rules to be applied by the organisers of exhibitions, especially larger ones, which add to the costs.(41) This brought into question the motives for exhibition touring and collaboration. Iwona Blazwick was frank; the ICA touring exhibitions were a financial necessity.(42) Her call for more travel grants to enable speculative visits overseas by British curators, was one which has been echoed since in evidence to the National Arts and Media Strategy.

Among other needs frequently expressed by those involved in visual arts exchanges are the importance of exploring the development of a pan-European indemnity system to provide insurance cover for European touring exhibitions and so overcome the present situation in which each country had to negotiate separately to ensure proper levels of security and

environmental control, and of monitoring whether there is a reduction in transport costs following deregulation.

One factor inhibiting the circulating of artworks and exhibitions is the necessity of instituting some frontier checks to combat the illicit trading in works of art. The European Commission has been endeavouring to reconcile two conflicting interests: ensuring the unhindered movement of cultural goods at the same time as recognising the right for Member States to protect their national treasures. Article 36 of the Treaty of Rome states that the elimination of restrictive measures on trade does not apply when the restrictions are for the protection of national treasures possessing artistic, historical or archaeological value.

Currently, with the exception of Belgium (where legislation protects public but not private assets), all Member States in the EC maintain controls on the export of cultural heritage items. In the UK, for instance, the Waverley system provides a temporary halt to the export of private heritage items above a certain value, but an export license has to be granted if the State fails to muster the necessary funds to purchase the object within six months. The low level of purchase funds available to museums in recent years has seriously impaired the effectiveness of the scheme. Export controls are pursued more assiduously in some countries than others - France, Spain, Italy and Greece offer the greatest protection or the most restrictions depending on your viewpoint. This has led to a fierce North v South debate in which countries such as Britain and Germany seek a mostly deregulated art market and the Italians and Greeks fear this will lead to a vast cultural haemorrhage as their countries treasures are 'plundered'.

Faced with the possibility of 12 different sets of regulations at its external frontiers on 1st January 1993, the most the European Commission could expect to achieve was the adoption by Member States of a common position on the export of works of art and antiquities to countries beyond the EC. Of course this presupposed that agreement could be reached between the States on the principle and conditions for mutual restitution and the introduction of rules to determine to which national heritage a given art object belongs. Without such agreement, and with the elimination of internal customs surveillance, what was to prevent heritage items gravitating to those EC countries with the most liberal laws and then being

legally exported outside the Community? Currently, several EC countries have short limitation periods after which art thefts can no longer be prosecuted. Thus unscrupulous dealers can keep works stored away until they can 'legally' auction them.

Achieving some consensus among EC states has been further complicated by definitional problems of what constitutes a 'national treasure' and consideration of how such treasures might be registered. The Italians, who like the Greeks possess a huge number of heritage items, have begun to employ a system of listing objects ('notification') to define the national treasures that must not leave the country. It was a system that, in the view of **Timothy Clifford**, Director of National Galleries of Scotland:

> "...was more honoured in the breach than anything else and in fact...many of the London dealers depend on smuggled Italian pictures for their livelihood". (43)

An estimated 15,000 art objects disappear every year in Italy. Some 450 works vanished over a period of years from one Rome gallery alone. However, in the face of objections from some Member States, including the UK, the EC Council of Ministers ruled out the possibility of achieving a common accord on the appropriateness of listing national treasures. **Sue Brown** formerly of the Department of National Heritage and the OAL, represented the Government position when she voiced her scepticism in Glasgow about the benefits of listing and forecast considerable difficulties at customs posts as long as there were wide divergencies between Member States on what constitutes a national treasure:

> "I heard the suggestion that all you need is a list of every Member State's national treasures handed out to all the customs officers at frontiers of the countries. Well, in discussions so far we gather that would be possibly five million items. Given that the greatest art experts in the world cannot decide what a Rembrandt is, how is a customs officer to decide if this man on a horse is a Rembrandt or a not very valuable oil painting?" (44)

Ironically, what may have been said half in jest in 1990 is to be put to the test in the light

of the Commission's subsequent announcement that it is to establish common vocational training programmes for customs officials, to include the identification and handling of national treasures and art objects - while at the same time, in a rather cunning move, solving the employment fears of otherwise redundant customs staff! Scepticism remains, however, about the capacity of customs officials to cope with documentation in increasing numbers of languages as the EC's boundaries are extended to take in more countries.

The UK Government had the unenviable task during its six months presidency of the EC Council of Ministers of trying to secure agreement by the 12 Member States on both the restitution of national treasures and export controls. That, in the event, this was achieved represented a breakthrough. The ***Directive on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State***, adopted by the Council of Ministers for the Internal Market on 10 November 1992, requires a member state, through a national tribunal, to order the restitution of an art object to the country of origin within the EC, provided the latter can prove it belongs to one of its categories of goods defined as having artistic, historical or archaeological value; or is an integral part of its public collections; and that the object left its territory illegally after 1st January 1993.(45) Realistically, the agreement could not be retrospective; the major museums are only too aware that the debate over the return of the Elgin Marbles to Greece represented only the tip of the iceberg, and the precedent set by the return of such objects could open a floodgate of claims within Europe and around the world - Europe's museum collections, it should be remembered, were often acquired through a history of economic and political domination and influence. Under the Directive, application for restitution has to be made within a year of the country of origin learning of an objects recovery. A time limit of 30 years (or 75 years for objects forming part of public collections) from the illegal export of the object is imposed on restitution claims. The Directive comes into force in the UK and most Member States before the end of 1993 - though Belgium, Germany and the Netherlands are permitted three months extra time to establish the necessary mechanisms.

The ***Regulation concerning the Export of Cultural Goods Outside the EC*** requires a special authorisation or license - available in the UK from the Department of National Heritage - to be presented to customs officials of the exporting country. (46) The Regulation, which

comes into force on or before 1st April 1993, does not replace each EC nation's export controls, but is intended to run parallel with them and only affects cultural goods destined to go outside the EC territory.

Unfortunately, while legal measures may shortly be in place, unless there is substantial co-operation between Europe's police, judiciary and customs officers, as well as dealers and curators - and enforcing such co-operation does not fall within the Commission's competence - it will still prove very difficult to protect the heritage of EC nations. But, at least the legislation should be more effective than the UNESCO ***Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*** (47) - which requires works of art being exported to have a government certificate, but has inadequate provisions for recovery - and the ***European Convention on Offences relating to Cultural Property*** (48) - which extends protection to both publicly and privately owned art works, but has been ratified by only a relatively small number of countries.

The Arts Council's position throughout has been that whatever system was agreed to 'police' appropriate works of art, it should not interfere with the free flow of contemporary artist's works for sale or exhibition, or impede the movement of art works for temporary exhibition. The new Regulation appears to satisfy this requirement in that it allows the unhindered movement of works by living artists or works produced in the last 50 years.

A Taxing Issue

One lobby that has been protesting vociferously for some time is the British art market. The art trade's concern relates to EC attempts to achieve a consistent approach to the application of VAT in Member States on second hand art goods and the imposition of VAT on all works of art imported from outside the EC. Such moves threaten the privileged position of London as a centre of the world art market. To suggest that negotiations over VAT on the sale of works of art and second hand art goods are complex is an understatement. Negotiations on the EC's proposed ***7th VAT Directive***, for example, have been designed to eliminate double taxation, which occurs when goods which were taxed when sold as new re-enter the

economic circuit as used, and to make the art market more competitive in Europe.(49) Negotiations have also been taking place on the continuation of the special arrangement enjoyed by the UK whereby VAT is applied at the full rate to the dealers profit 'margin' between the selling and the purchase price (i.e. previous transaction) of works of art, rather than the full price.

In the UK currently, works of art created before April 1973 are exempt from tax on import and relieved of tax at export, but in the Commission's view this presents unacceptable possibilities for tax manipulation on an EC wide scale. It has sought to apply VAT on imports and to exempt exports. Consultation by HM Customs & Excise with the UK art trade indicated the latter's strong preference to exempt works of art from VAT on import as any tax could drive the market to the USA or Switzerland. Accordingly, the UK Government has been consistent in seeking to ensure that works of art should be exempt from VAT on importation from so called third countries. However, the UK is isolated in this stance, partly because the market position of London in the art trade is considered unfair by other EC countries, even though, in the view of London dealers, other EC countries will *not* benefit from the proposals. The EC has proposed that where countries have a reduced level of VAT it should be applied to the full selling price of art imported from outside the EC. In the case of the UK and Denmark where there is no lower rate, negotiations to resolve the impasse centre on the imposition of VAT at the standard rate (i.e. 17½% in the UK) on a fixed 30% margin of the price, which in practice is equivalent to tax at under 6%. For the moment though, the UK Government appears to be inflexible, protected by the need for unanimity among EC states on issues of taxation.

Although it has no control over direct taxation, the European Commission remains wedded to the principle of abolishing tax frontiers through agreement on indirect taxes, such as VAT. However, it has abandoned the idea of 'harmonisation' in favour of 'approximation'. Although no final agreement has been reached on VAT rates, an accord has been agreed for the transitional arrangements until January 1997, in which a standard rate of not less than 15% (with no ceiling) is applied in each country. Member States can also apply a reduced rate of not less than 5% to a range of goods and services including ticket admissions to shows, theatres, museums, exhibitions and cinemas; services supplied by or royalties due to

writers, composers and performing artists; the supply of books and printed matter not devoted to advertising; the reception of broadcasting services; and the supply of goods and services by organisations registered as charities. The UK is among those countries allowed to maintain zero rates in force at 1st January 1991, e.g. for books. However, applying a reduced rate will be at the discretion of each country and the UK Government's position on the introduction of a lower rate is at best ambivalent. Given that most Member States already apply reduced levels of VAT on artists work, the UK's fairly isolated position of imposing VAT at the full rate on artists whose income from sales exceeds £20,000 per year may lead to the more successful British artists taking up residence in another EC country.

Hitherto, arts organisations, promoters and artists workings across frontiers have been confronted by several problems. Is VAT paid in the country of origin of the goods or service or in the country of destination? In what country will the tax be levied in the case of co-financing or co-productions? How can double taxation (i.e. both country of origin and destination) be avoided?

It was assumed that the tax position on goods (if not works of art) had been resolved. From January 1993, UK VAT *should not* be charged on UK products (eg records) exported to other EC countries if the intended recipient is VAT registered, but it *should* be charged if the recipient is not registered. In other words, the VAT is chargeable at the place of receipt not supply. When the nature of a service provided is dependent on it being conducted in a particular physical location in another country - e.g. concerts, opera or other performances - the performer or the agent who arranges the performance are classed as making a taxable supply in that country and, thus, normally would have to register and account for the VAT of that country. Some EC countries permit the performer/organisation to arrange for the promoter or venue in the Member State, as the recipient of the service, to account for any VAT due and recover the same amount. The exporter or agent would certainly need to register for VAT in the destination country and apply its VAT rates if the total annual value of sales or services to a particular EC state exceeds a specified threshold, which is set by each country individually (no VAT should be charged in an EC country for the temporary import of works of art or exhibitions, for example, or for musical instruments for a concert performance providing evidence is produced these will be "re-exported"). Because of the

considerable threshold differentials - for example the VAT threshold in the UK (on taxable income exceeding £36,600 per annum) is the highest in the EC, whereas the threshold in Denmark is the equivalent of £900 - the likelihood is that visiting British performers or their agents will have to register for VAT in those countries, thus adding to their costs. However, as few territories are actually enforcing the legislation set out under the Commission's 6th VAT Directive, such suppositions may be premature.

Of course, this change of application of VAT to the point of receipt means that a performance or concert of a visiting theatre company or orchestra to Britain is charged at UK VAT rates. To complicate matters further, HM Customs & Excise have chosen to interpret the EC rules to apply to performers of **any** nationality appearing in the UK, thus adding to the administrative burden for UK promoters and the costs of, for example, visiting orchestras or soloists, who will have to express fees exclusive of VAT if they don't wish to lose financially. But fears that HM Customs & Excise will impose VAT on UK agents commission fees for artists and performers from <u>all</u> overseas countries appear to have been allayed.

The net effect of all this is that, in the Single Market when the barrier to trade and services were supposed to come down, it appears to be *more* complex to promote intra-Community concerts and performances than between the UK and non-EC states. Given that taxation in the Single Market is an area fraught with complexity, the Arts Council will be monitoring developments to ensure British artists and arts organisations are not disadvantaged in comparison with their counterparts elsewhere in the European Community.

The ultimate ambition of the European Commission is also to have a standard framework in the Community on direct taxation and income tax. But according to **Nigel Clay**, a partner in accountants Godfrey Allan, the imposition of the fearsome sounding bi-lateral double taxation treaties in operation between the UK and the country to be visited are likely to have more impact on the affairs of performers than any future EC proposals on direct taxation. The interpretation of such treaties is administered by the Organisation of Economic Co-operation and Development, rather than the EC. Sometimes these treaties give priority taxing rights to one of the two countries or enable the individual to claim a tax credit in

his/her own country. Without professional advice there is a danger of being taxed twice - at home and overseas.

Performers also need guidance on the withholding tax that is applied to artists giving temporary performances in another country that chooses to exercise the right to deduct a tax or levy some other assessment depending on the domestic laws. The rate of the withholding tax varies from country to country - e.g. in the Netherlands, Spain, Greece and the UK it's 25%, in Italy 20%, Belgium 18.1%, Germany 17.25%, Portugal 16% and France 15% - yet as this is a direct tax (over which the EC has no jurisdiction), harmonisation is not even on the EC agenda though, arguably, it impedes the mobility of performers because of the different rates that are applied.

The tax treatment of performers or artists working more extended periods will depend on the length of their residency. Individuals working in France, Spain or Italy, for example, would be regarded as 'tax resident' and thus subject to the national tax of those countries if they spent 183 days or more there in any one tax year. In Germany an artist will be liable for tax if he/she has accommodation there, even if only a short time is spent living in it. In the UK there are Government proposals to abolish the rule whereby accommodation is a determining factor in assessing whether or not an individual from overseas is taxed.

Employment Opportunities and Conditions in Europe

Of course, there is another 'o' word, apart from 'obstacle', that is frequently mentioned in relation to the Single Market: 'opportunity'. From 1985-90 employment opportunities were on a rising curve in Europe. However, in the years since the Glasgow Conference the picture has changed. By May 1992, 18% of young people under 25 in EC countries were unemployed and the figure has been rising. Nevertheless, ever since the UK joined the European Community there have been employment opportunities in mainland Europe for talented people in the arts sector - Pierre Audi in Amsterdam, Michael Bogdanov formerly in Hamburg and Peter Brook who stayed in Paris and Nicholas Snowman who didn't, are among the notable artistic directors who immediately spring to mind. The lyric theatres in Germany have a sizeable number of British trained opera singers and dancers and there is a free exchange of musicians between specialist orchestras in the UK and orchestras in other

EC states. The London orchestras - as the Philharmonia Orchestra's residence at Paris' Théâtre de Châtelet illustrates - already spend a significant part of their time touring overseas. In fact, Brussels-based solicitor **Peter Sandler**, ex-consultant for the Citizens Europe Advisory Service at the EC's London Offices, argues that, in the context of employment, the barriers have already come down to a large extent and 1993 "is nothing more than a successful marketing ploy". (50) What the Single Market **will** do is to encourage a change of attitude so that working or performing in another EC nation will become far more routine.

The right to engage in employment in another EC state is enshrined in the legal framework of the Treaty of Rome. Theatre managers, orchestral musicians, opera singers, dancers or self-employed writers or artists are entitled to work elsewhere in the Community without a work permit and are allowed equal access to health care, sickness and unemployment benefit and education on the same basis as nationals in the host country. Such rights also extend to their immediate family or dependent relatives. British or other EC nationals must not be treated any less favourably than nationals in the host state. An employee is entitled to equal pay and equal opportunities for promotion. For performers, any national collective agreements concluded by trade unions in the country in which work has been sought will usually cover nationals of other EC states working there.

It is true that continuing difficulties remain about definitions of what constitutes a public service appointment (Article 48 of the Treaty of Rome excludes the public service from the free mobility of workers). However, judgements by the European Court of Justice indicate its desire to limit the definition of public servant to those positions which involve "direct or indirect participation in the exercise of powers conferred by public law in the discharge of functions whose purpose is to safeguard the general interests of the State or other public authorities." This should make it increasingly difficult for countries to bar other EC nationals from jobs in the cultural sector of the public service.

However, the fundamental right to live and work elsewhere in the Community does not apply to those without an EC passport. The definition of EC citizenship appears to rest on the ownership of a passport from an EC country and not solely on EC residence, and this is

likely to remain the case, even when inter-governmental agreements are reached on external borders and the Schengen Convention - signed by the Benelux countries, France, Germany, Greece, Spain, Portugal and Italy - is fully implemented.

Advice is beginning to appear for the artist or performer hoping to work overseas. ***Across Europe*** relates the experiences of self-employed artists/craftspeople who have worked overseas (51) and the Arts Council of Great Britain have commissioned a preliminary study on international exchange and travel opportunities for visual artists. (52) The French Ministry of Culture is compiling a directory of visual artists in residence schemes in Europe. Advertisements from foreign orchestras, opera and dance companies inviting performers to audition for jobs are beginning to appear in specialist UK journals, and Data Place in London administer an information 'hot line' on auditions being held in Britain and the Continent for professional dancers.

However, often the best way of locating work is to spend some time in the country concerned. **Peter Sandler** considers that the British often have a diffident approach to getting work and he suggests that, in future, they might have to go job hunting on the continent by canvassing more directly for a particular job - an approach referred to in France as 'pistonnage'. Usually, an individual is allowed up to three months in another EC state to search for employment. If the individual is receiving unemployment benefit in the UK, arrangements can be made for this to continue to be paid while he/she is job hunting. Of course employment elsewhere in the Community pre-supposes some language skills, otherwise individuals will not usually get past the interview stage unless their artistic skills are especially prized or their managerial capabilities are considered to be exceptional.

Naturally, equality of work opportunities for EC nationals does not necessarily guarantee good remuneration. Rates of pay for similar jobs vary widely across Community nations, but no standardisation is envisaged in the near future. Remuneration is likely to continue to be governed either by the prevailing structures, customs and practice or market forces in each country. True, all EC states except the UK endorsed a separate ***Protocol on Social Policy*** during the Maastricht Summit, which commits them to "the promotion of employment, improved living and working conditions, proper social protection, dialogue between

management and labour and the development of human resources with a view to lasting high employment".(53) However, the only binding commitment in the Protocol appears to be the application of the principle of equal pay for equal work for both sexes, which is in line with the ***Recommendation on the Promotion of Positive Action for Women*** issued by the European Commission in 1984 - the spirit of which has been pursued with varying degrees of energy by Member States (e.g. only Belgium, Italy and the Netherlands in the EC have reinforced positive action programmes with legal and financial incentives) - and job protection during pregnancy, which is now enshrined in EC law as a ***Council Directive (92/85/EEC)*** and has to come into force within two years.(54) The Social Protocol is a declaration of intent in any case and its legal status is questionable.

The European Parliament issued a report in 1991 on ***The Situation of Artists in the European Community***, which calls on the European Commission to draw up a statute for artists, based on the most favourable legislation in EC states, that will provide them with a reasonable living wage, appropriate social security cover and pensions, and a tax system adjusted to allow for the irregularity of artists' incomes. (55) It reflects the fact that only about 4% of artists in EC countries are earning a decent living. Some 20% live just above the poverty line and the remainder are below it.

Commenting on the situation faced by musicians, **Clive Gillinson**, Managing Director of the London Symphony Orchestra, considered that elsewhere in the EC most orchestral players are well paid for their basic work, giving concerts, and for any additional commercial work the rates of pay were not too dissimilar, whereas in the UK, orchestral musicians are relatively poorly paid for their concert work, though the rates for additional commercial activity (even if they varied considerably), are often much better. However, he was concerned that "a great deal of the best commercial work no longer comes to the UK because of high fees payable here" (56)

This concern about the ability of British orchestras to hold their position in the competitive European market place, especially in the context of the relatively low fees charged by East European ensembles, was echoed in Glasgow by others. **David Richardson**, Chief Executive of the Hallé Orchestra and formerly Chief Executive of the Western Orchestral Society,

considered there was a major risk in the short term to freelance artists, musicians and orchestras, and both he and **Simon Mundy**, Director of the National Campaign for the Arts, agreed that UK orchestras would be at a distinct disadvantage without the harmonisation of orchestral fees in Europe. However, **John Drummond**, Director of the BBC Proms and ex-Controller of BBC Radio 3, and **David Elliott**, Finance & Administrative Director of the Royal Albert Hall and previously Finance Director of English National Opera, were worried that fees, especially for soloists, would be harmonised upwards. According to **Drummond**, British opera companies, dance companies and concert promoters had benefited from an international understanding on fees that took account of the national conditions and the British scale was lower that many other Western European nations. He posed the question:

> "If we find ourselves through harmonisation priced out of the world's leading conductors and soloists and singers, what step forward in terms of a cultural community is that?" (57)

For the foreseeable future such a scenario appears unlikely as market conditions prevail. However, were the UK ever to be faced with harmonisation of wages and fees, the level of arts provision in Britain could diminish considerably without additional government support. In Glasgow, **David Elliott** warned:

> "It must be a major challenge for the union leadership as to how they would wish to promote... a levelling up of standards of employment and wage rates on the one hand, with the prospect of diminished opportunities for British artists on the other, unless we see a commensurate increase in the provision of arts funding in this country. That is the central dilemma of the entire conference from a British standpoint" (58)

In a perverse way, the fact that the UK is generally unable to compete with the pay and conditions offered by many of its partners in the European Community might be regarded by some as an advantage. Certainly it has meant that there has been no great influx of foreign performers here so far. On the other hand, there is some anxiety about an exodus the other way, especially of technical staff.

Several developments are forecast. First while the Single Market might not bring dramatic changes to the trades union movement in the UK, there will be a strengthening of unions elsewhere in Europe where they have been ineffectual. Secondly, even if the notion of worker participation in decision-making as envisaged by the Community's original Social Chapter remains anathema to the UK Government, managements and unions in the UK will need to find a "modus vivendi" for their future collaboration. Third, eventually the UK may have to adopt any measures agreed by the other 11 states under the Social Chapter in the face of continuing accusations of unfair competition in employment practice or challenges in the European Court. Fourth, as desirable as improvements to the working conditions of performers are, the potential dilemma for arts organisations that, perforce, do not conform to normal ways of working, are obvious. To take just one example: restrictions on hours worked would make it difficult for dancers to undertake a rehearsal and a daily training session if they are also performing on the same day, and the dancers engagement on overtime would add to an organisation's costs.

At the June 1992 meeting of the EC's Council of Social Affairs Ministers, the UK Government marginally shifted its otherwise unequivocal stance against the social welfare underpinning of the ***Protocol on Social Policy*** by accepting the principle of a daily rest period of 12 consecutive hours and a weekly rest period of 35 consecutive hours for employees, as well as a night work schedule not exceeding eight hours. Derogations from this have yet to be worked out but, in any case, it has been agreed that employers and employees can negotiate at local level the arrangements that best suit them in relation to minimum rest periods. On the other hand, the UK government remains implacably opposed to increased benefits for part-time and temporary workers and, to accommodate its continuing objection to the principle of a maximum 48 week, the proposed EC ***Directive on the Organisation of Working Time*** has been revised to allow any country three years to implement, followed by a transitional period of seven years - in effect allowing the UK not to introduce it until 2002 or later. (59) If and when it is finally approved, the Directive is likely to contain a clause to prevent employee protection already gained in some countries being eroded to comply with minimum standards stipulated by the EC.

Assuming an accord can be reached eventually, the ***Directive on the Organisation of***

Working Time would be introduced by the UK Government into national law as a health and safety measure. Other regulations governing such issues will be incorporated into UK law in 1993 in accordance with EC directives issued in 1989. In some cases they consolidate or clarify existing legislation. The ***Management of Health & Safety at Work Regulations,*** for example, will require arts organisations with five or more employees to assess their health and safety and make arrangements to introduce preventive and protective measures that follow from the risk assessment.(60) The ***Workplace (Health, Safety & Welfare) Regulations*** will bring together legislative requirements embodied in the *Factories Act 1961* and the *Offices, Shops & Railway Premises Act 1963* concerning such things as the temperature, ventilation, lighting and dimensions of the work environment and toilets, washing, eating facilities and rest areas (including arrangements for non-smokers, pregnant women etc).(61) The ***Manual Handling Operations Regulations*** replaces patchy and largely ineffectual legislation with new ergonomic approaches to ensure the safety of technical and other staff included in moving equipment. (62) However, there will be new employer obligations under the ***Health & Safety (Display Screen Equipment) Regulations*** to employees who habitually use VDUs. (63) A synopsis of the new Health and Safety regulations is available from any Health & Safety Executive office. (64)

Proposals for the ***Fire Precaution (Places of Work) Regulations*** have caused some concern in Britain because the ***Home Office Consultative Document ... and Associated Guidelines,*** not only represent a tightening up of existing legislation, but go beyond the minimum standards laid down by the EC. (65) The new regulations will affect all premises in which people are employed whatever existing licensing arrangements are in force. Of course, many arts and entertainment premises have had to comply with fire safety regulations for some years and should not face undue difficulties as a result of the new regulations. On the other hand, small galleries, workshops and craft premises with one or more employees that were previously exempt, plus buildings to which no charge is levied for public admission and small offices will be brought into the scope of fire regulations for the first time. (66) Some of these could well face expenditure on installing alarm systems, fire-fighting equipment and secondary lighting etc, though, as a result of pressure from employers, the Government is likely to redraft the regulations to limit their scope prior to their introduction.

A new dimension to employee rights has been thrown into sharp relief by UK Government moves in the direction of market testing of public services and the contracting out of services in local government. The proposals by the Department of the Environment to extend the process of compulsory competitive tendering, or public procurement policies as they are known at EC level, to most theatres, arts centres and entertainment facilities has caused considerable concern because of fears about the potential impact on programming *if* commercial interests (whether British or from other EC states) were to successfully bid to administer them. (67) Rules governing public purchasing are not new of course, but measures to extend their scope have been given an impetus by the Single Market and Commission moves to ensure open competition for the supply of goods and services. (68)

The question arises as to whether the rights and conditions of employees are protected if services are contracted out. Until recently it was assumed by some officials in Whitehall that such protection, known as 'acquired rights', only applied to acquisitions and mergers in the commercial sector. However, a recent ruling by the European Court of Justice indicated that the provisions of the UK legislation - the ***Transfer of Undertakings (Protection of Employment) Regulations of 1981*** - were inconsistent with the original EC ***Acquired Rights (Transfer of Undertakings) Directive***, which was also intended to cover non-commercial undertakings. (69) The Government has maintained that, "as a general rule", new employers do not inherit the terms and conditions of employees who previously did similar work for a local authority that has been contracted out. However, in the face of infringement proceedings, the Government appears to be shifting its position by acknowledging the potentional application of the 1981 regulations to contracted out public services and seeking to amend the existing UK legislation.

Have Qualifications, Will Travel

Providing greater opportunities for people to live and work in other countries is pointless if their qualifications are not recognised. That is why the European Commission has been introducing legislation to provide mutual recognition of qualifications. Broadly, the ***First General Directive on the Mutual Recognition of Professional Qualifications (89/48/EEC)*** covers any qualification obtained through three years graduate or further education. A directive governing vocational qualifications which involve less than three years academic

study, and perhaps require a specific period of work experience to demonstrate the individual's ability to exercise his/her profession - a not uncommon practice in mainland Europe - has also been introduced by the EC and is to be implemented by June 1994. (70)

In arts management, moves to provide training on a European scale are already fairly well advanced, eg the European Diploma in Cultural Projects Management aimed particularly at those involved in regional and local arts provision, as well as masters degree courses with a European focus such as those at Dijon, De Montfort University (Leicester Polytechnic) and Warwick University. However, **Oliver Bennett**, Head of Arts Management Studies at Warwick University, cautions against aspiring Euro-managers assuming that a few days training automatically provided them with European credentials. In his view, training in European cultural policy had to begin by examining "the history of ideas of culture". Whenever he had gone to European seminars or discussions on training he had noticed:

> '...that nobody really understands what anybody else is talking about because of the different assumptions about the nature of culture and art and its relationship to policies. They are wholly different within different European intellectual traditions..' (71)

The potential for European Commission programmes such as ERASMUS to provide a ready made mechanism for training exchanges of arts management students is generally acknowledged, and partnerships between higher education institutions in the UK such as The City University, London, and its overseas counterparts are already well established. Such collaboration is also to be preferred, surely, to competition between training institutes in different countries in the European market for prospective students. However, the ERASMUS scheme needs to be further developed to accommodate more exchanges, not only of arts management students, but also staff.

The Commission promises that other EC training programmes such as TEMPUS (European mobility scheme for university studies in Central and Eastern Europe), PETRA (vocational training for young people) and FORCE (for continuing vocational education) can also be utilised by the arts sector, eg Theatr Clwyd is collaborating with Siamsa Tire (the National

Folk Theatre of Ireland) and others in a project exploring the motivation for training of the performing arts workforce in Europe, with the aim of producing competence based qualifications across EC countries in this field; and Sheffield City Council, Sheffield Independent Film and the Untitled Gallery are co-operating with organisations in Salerno, Barcelona and Eindhoven in an exchange programme to identify the training needs of small companies in the cultural industries sector. (72)

In 1992 the Council of Europe launched a series of travel bursaries to promote the mobility of trainees and experts participating in training programmes for cultural administrators and officials responsible for regional and local cultural development. Priority is being given to trainees from Eastern Europe and to Western experts involved in courses designed for Eastern and Central European administrators.

Clearly the Single Market has provided a stimulus to the development of a more strategic approach to training in the UK, and the establishment of an industry-lead body for arts and entertainment - the Arts and Entertainment Training Council (AETC) - is welcome and in line with European Parliamentary calls for Member States to encourage young people to enter vocational training for the arts. The need for the boundaries of training in Britain to be widened to include an international dimension is acknowledged by the National Arts and Media Strategy, which endorses the AETC view that training should equip individuals to make the best of the employment prospects offered in Europe. (73)

An international market for standards is also on the training agenda. However, concerns have been expressed in the past that the Government Training Agency and the National Council for Vocational Qualifications had little concept of how they will be working in Europe. **Tim Challens**, formerly Assistant Director of East Midlands Arts and Assistant Co-ordinator of the National Arts & Media Strategy, warned in Glasgow:

> "They are taking the line that the government is taking in every other engagement with Europe: that there is a fog in the Channel and that it has been cut off...we are still in this barbaric and rather insular state of not understanding our role in Europe, not understanding that... the people who are

going to be getting these qualifications are going to be working in a much wider market....".(74)

Perhaps we can also learn from experience elsewhere? In France, for example, legislation requires all enterprises employing more than 10 workers to fund training to an amount equal to 1.4% of total labour costs (rising to 1.5% in 1993). The National Arts and Media Strategy recognises there should be a minimum target for the allocation of resources for training and suggests 2% of annual payroll and 5% of staff time in line with the principles enunciated in the European Community Social Charter. (75)

The need for more information on European training initiatives has now been met by several initiatives: the publication by CIRCLE of a report and directory on the training of arts administrators in Europe (***Professional Managers for the Arts and Culture?***) (76); the creation of a **European Network of Cultural Administration Training Centres**, which brings together the institutions involved in training arts managers; and the formation of the **European League of Institutes for the Arts**, a network of educational institutions concerned with teaching arts disciplines.

Elsewhere in the education sector, the pressure of domestic issues, such as the National Curriculum, the local management of schools and general under-funding of services has resulted in a climate in which those involved in arts in education and education in the arts are often more concerned with survival than in giving much thought to whether the dismantling of frontiers in the EC will facilitate attempts to broaden and enrich young people's arts experiences. Another inhibiting factor is an evident lack of knowledge on good practice and there are strong arguments for arts organisations involved in education projects in other European countries to be financed to write up their experiences for the benefit of others. The need for the funding agencies to offer practical guidance for artists who want to work in arts in education situations elsewhere in Europe is also recognised.

Particular interest has been expressed in the Young Scot Card scheme as a tool in the process of making the arts more accessible to young people. Not only does the card entitle young people between 15 and 26 to gain admission at discount prices to arts facilities in Scotland,

but it also enables them to buy clothes at lower prices, take transport at reduced rates and eat more cheaply at a range of local restaurants after the theatre or event. Because it is linked to similar cards elsewhere in Europe, it also entitles the holder to discounted entry to museums, cinemas, theatres etc or reduced prices at more than 100,000 outlets in 14 European countries. According to **Marcus Liddle**, Assistant Director of the Scottish Community Education Council, the Young Scot Card is partly an attempt to address the fact that 60% of young people in Scotland never travel outside a 40 mile radius of their home, which is a rather significant observation in the context of discussions about Europe. (77) A feasibility study is to be conducted to extend the youth card scheme to all EC countries. (78)

Subsidies and Non-Discrimination

Obviously a prerequisite for artists and arts organisations to be more mobile in Europe is sufficient funds and one of the implications of the Treaty of Rome that has being thrown into sharp relief by the development of the Single Market is that discrimination on grounds of nationality is no longer possible. The strong presumption, reinforced by legal opinion and statements from the European Commission and Court of Justice, has been that subsidy schemes should be open to other EC nationals permanently or temporarily resident in a country other than their own.

Peter Mulder, of the Dutch Ministry of Welfare, Health and Cultural Affairs, is amongst those who consider that, in accordance with Treaty of Rome articles 7 on discrimination, 48 on freedom of movement for workers, 52 on right of establishment and 59 on freedom to provide services, prohibition on discrimination seems to be absolute and unambiguous. (79) He points out that in the Netherlands and elsewhere discrimination on the grounds of nationality is used as an instrument of cultural policy to supplement or correct market trends or to sustain cultural facilities and ensure a broad spread of artistic expression. This would appear to be fundamentally in conflict with the principles of free competition, which is the cornerstone of the Treaty of Rome, and it has led to intervention by the European Commission to ensure, for example, that national aid for film in Denmark, Germany and Greece, is no longer granted solely to film-makers of those nationalities, but to promote the development of Danish (German or Greek) film-making. The considerable implications raised by the possibility of trans-frontier access to national systems of public aid for the arts

were first explored in the Arts Without Frontiers Conference and they have been on the agenda of national arts funding agencies in the UK, the Netherlands and Denmark ever since. What mechanisms for evaluation need to be introduced by national and regional funding agencies to assess the quality of applications from other EC nationals (in cases where this is not obvious)? Could those Member States with more generous funding policies find their support mechanisms being 'plundered' by artists from other less well-endowed nations. How can smaller countries and regions protect their distinctive cultures if they are no longer allowed to favour their own nationals?

Aware that discrimination against foreign artists could be judged to occur in the guidelines to the grant schemes it operated, the Arts Council has already opened up its awards to other nationals, subject only to their ability to fulfil the same criteria as UK nationals. Naturally the Council is concerned that there should be evidence of reciprocity, so that British artists and arts organisations are not prevented from gaining access to public funds in other countries when they are resident there. For this reason the Arts Council has begun exploratory discussions with officials of ministries of culture and funding agencies in other EC countries to discuss how best to deal with the issue of intra-Community access to grant schemes and also to establish, if appropriate, some ground rules for the assessment of applications for aid received from other EC nationals.

Not everyone is attracted to the concept of a "single market" for subsidies. To **David Elliott**, the possibility of being able to tap resources in other countries may be tempting on the one hand, but "the idea of having to apply to arts councils in a dozen different countries is not appealing; applying to one is difficult enough" (80). Not that such a scenario is likely in practice, as approaches for funds could only be made to public agencies in the specific country where performances or other work is to be undertaken. It would not make sense if the host country did not benefit in some way from the cultural activity it is being asked to support and, broadly, the Commission takes the view that the state is entitled to spend its money on the arts the way it chooses. Moreover, while a nationality requirement is no longer acceptable, a residency requirement (eg for one or two years) would appear to be. Language, where relevant, can also be a legitimate condition applicable to a grant, but it must not serve as discrimination 'by the back door', e.g. if a state-aided film only featured

actors from the host country without any possibility of accepting actors from outside, or if the conditions of subsidy for a film or play explicitly excluded the possibility of a version being made in another language. Funding agencies have a further line of defence in the application of criteria relating to quality, providing they can demonstrate that their assessment is based on informed judgements and is not simply a device to close doors to recognised artists of other EC states. Of course it could be argued that prohibition on grounds of nationality could prove invaluable in the long term in stimulating cultural exchange in Europe.

Discrimination and state aids are inextricably linked of course and the EC's position on subsidies has been, at best, ambivalent, and is often perceived as clumsy or even hostile. In accordance with Article 92 of the Treaty of Rome, state aids must not adversely distort competition. In theory, state subsidies in the cultural sector should only be of interest to the Commission if they have a direct economic effect and not, as is generally the case, an indirect one. However, in an attempt to clarify the situation, the Maastricht Summit, at the instigation of the Dutch and German governments in particular, agreed to the insertion of a new clause - 3(d) - to Article 92, which states that state aids are permissable: to promote culture and heritage conservation "where such aid does not affect trading conditions and competition in the Community to such an extent that is contrary to the common interest" (see *Annex B*) Article 92.3(d) does not represent a derogation to state aid regulations, but rather it is a general clause of acceptance for *certain* state subsidies. Although what is considered to be the "common interest" will probably have to be tested by the European Court, the insertion of this amendment may go some way to allay concerns that the EC might seek to extend intervention to prevent national subvention schemes in the cultural sector, including such measures as tax incentives, where they are deemed instruments of public aid. Indeed the European Commission already accepts that a significant proportion of state subsidies, e.g. for infrastructure projects, falls outside competition rules. That is why it decided to take no action following a complaint by a British theatrical organisation against plans by Edinburgh City Council to restore a large theatre.

Would the Commission's position be the same in relation to arts organisations that have a European-wide distribution? It could be argued, for example, that heavily subsidised

orchestras are in a better position to acquire engagements and recording contracts to the disadvantage of less well funded ensembles (though there is a contrary view that the orchestras with a competitive edge are those with lower fees - as in Eastern Europe - because low salaries keep costs down). In such a case the Commission would have to weigh trade and competition considerations against cultural value - hitherto something the EC has not always been able to demonstrate convincingly that it is capable of doing. What *is* evident is that although the EC applies competition rules strictly as far as national discrimination is concerned, it is taking a more liberal approach to the notion of subsidies unless they are judged to have a *direct* economic effect on the market. This explains why much of the EC's interest has focused on the audio-visual sector, where there are more activities of a commercial nature that could be held to distort competition.

A Market for Money?

What of the EC's role itself as a potential source of funds? Learning the secrets of how to unlock EC money is an art. It is not so much that the Commission does not have funds - though as far as culture is concerned the amount is relatively modest - as the fact that the chances of getting your hands on it are not high. In part, this is due to the failure of applicants to understand that adhesion of the label 'European' to a project does not in itself qualify it for support. The Cultural Action Unit in the Audiovisual, Information, Communication and Cultural directorate (DGX) at the EC is looking for a combination of things: a European dimension, the prospect of a stimulus to artistic creativity and diffusion and a 'value added' factor (i.e. EC officials like to feel their money makes a real difference). A project must be multi-lateral and preferably should have an impact in several countries rather than one. After the allocation of funds for the architectural heritage, which accounts for about half its cultural budget, and priorities such as aid to literary translation, together with a small portfolio of regular prestige commitments including the European Cities of Culture, European Cultural Month celebrations (for non-EC states) and the European Community Youth Orchestra, not much is left to assist new initiatives. The Kaleidoscope Scheme, a mechanism by which DGX channels aid on a one-off basis to projects, events or networks, is hugely oversubscribed. Notwithstanding the more extensive support given to the audiovisual sector, expectations or fears that the Commission has aspirations to become

either a supra-national arts council or an institutional 'medici' appear groundless so long as its operations are governed by the principle of 'subsidiarity'.

Just as it's a misconception to presume that all things cultural are dealt with by DGX, it is a fallacy to assume that same directorate at the Commission is the only source of EC funds for culture. On the contrary, preliminary and unconfirmed findings from a survey commissioned by DGX suggest that some 2 billion ECU may have been allocated to cultural projects in EC states in recent years, of which DGX will have been the source of barely 2%. The Arts Council's revised guide ***Who Does What in Europe?*** indicates a diverse range of programmes seemingly unrelated to the cultural sector, to which arts organisations/projects with a little imagination and ingenuity can apply. (81)

In the case of the structural funds - the European Social Fund and European Regional Development Fund - set up to aid declining industrial or poor rural areas and to generate employment, it is not even necessary to have a European dimension. The key is to find matching public sector funds and to meet non-cultural criteria without endangering the integrity of the arts project. An estimated 60 billion ECU (£47.2 billion) will have been invested by the Community in its regions through the structural funds between 1987-93, which is about one quarter of the total EC budget and equivalent to c3% of total public expenditure in Community countries. **Julian Paleson**, former Managing Director with Grant Thornton, said the Commission recognised that developing the arts promotes tourism, which in turn provides revenue. For those regions that were economically weak or in industrial decline, conversion to tourism often provides a solution and considerably enhances their chance of financial assistance. **Mr Paleson** said he had always found the Commission officials were receptive to ideas. (82)

Reporting on his experience at Newcastle upon Tyne, **Mike Grayson**, former General Manager of the Newcastle Theatre Royal, said sufficient preliminary research on the tourism and economic potential of the refurbished Theatre had been done in advance to obviate the need to journey to Brussels to plead the a case for the Theatre's application for support from the ERDF. Drawing attention to the fact that the EC likes to be acknowledged for its support, he said they had decided to name one of the hospitality suites in the Newcastle

Theatre Royal as the 'European Room'. This had so pleased the Commission, it had asked whether it could be renamed the Monnet Room after the founding father of the European Community. (83)

Dave Simmonds, of the National Council for Voluntary Organisations, which is now responsible for the initial selection of applications to Brussels for UK charitable organisations and non-statutory bodies including the arts seeking aid under the European Social Fund, emphasised in Glasgow that delegates should be realistic about their chances:

> "It is incredibly difficult, there are many hoops to go through and its very competitive, but the rewards can be great in terms of the amount of funds you secure.(84)

The European Social Fund is intended for schemes which train adult unemployed people or integrate young people into the economy and the priorities are: areas of industrial decline, women, migrants (though the NCVO tries to ensure this includes 'ethnic minorities'), disabled people, trans-national projects and innovatory ways of delivering training - the Council of Ministers issued a Resolution in 1984 on the need for cultural workers to have greater recourse to the Fund (OJC2 of 4.10.85). The NCVO now provides a ***European Social Fund Information Pack*** as a guide to the procedure to be followed. (85)

The structural funds are undergoing change with moves to ensure more money goes to the four poorest states - Greece, Ireland, Portugal and Spain. Accordingly, informed, continuing interpretation of their funding potential is necessary, especially in areas in which the arts are key to economic regeneration. This will be one of the tasks of a Brussels-based consultant that the Arts Council of Great Britain, with support from the Scottish and Welsh Arts Councils, British Film Institute and Crafts Council, has appointed specifically to identify and monitor EC funding sources on behalf of the British arts constituency.

With a Single European Market you would expect there to be considerable potential for national and supra-national sponsorship, as companies, both within and from outside the EC,

look for a higher profile in Europe generally or in specific countries (only in Greece does existing legislation prevent pan-European sponsorship). Where data is available it is evident that sponsorship has been growing in Europe. The Association for Business Support of the Arts (ABSA) estimates business support in the UK to have been in excess of £57 million for 1990/91. In 1990 it was c £90 million in Germany, c£65-70 million in France (though this figure includes support for architecture, design, heritage and libraries) and c £15 million in the Netherlands. Of course these figures do not reflect the full impact of the recession.

The EC's policy document for 1988-92, ***A Fresh Boost for Culture***, and subsequent pronouncements by the Council of Ministers and the European Parliament, refer to the important role to be played by sponsorship.(86) Former EC Commissioner for Culture, Jean Dondelinger, made it clear that the European Community was ready to act as a facilitator of sponsorship initiatives in the firm belief that sponsorship was a strong element in the process of cultural co-operation. (87) The EC demonstrated this commitment by helping to set up CEREC, the Comité Européen pour le Rapprochement de l'Economie et de la Culture (European Committee for Business, Culture and the Arts) in 1990. CEREC represents the 11 national sponsorship associations in Europe and seeks to communicate the needs of the arts to business in Europe and the opportunities for sponsorship. It is setting up a database at its headquarters at ABSA for this purpose. In a survey it has undertaken, CEREC identified 185 companies with European interests in their support activities. (88) Northern Telecom, for example, through its Arts Europe programme, encourages European artists from different arts disciplines to engage in artistic collaboration. The next step for CEREC will be to work with the European Foundation Centre, which is an information and networking centre on foundation and corporate funding in Europe, to produce a database of European, American and Japanese foundations and sponsors (the Orpheus project) and to make the information accessible to grant-seekers, as well as the funders themselves.

Not everyone is confident about future sponsorship opportunities in the Single Market, **James Poole**, former Head of Corporate Affairs for Barclays Bank, thought sponsorship was the "least transportable of promotional media" available to companies such as his own, and he warned that attitudes to sponsorship are often very different across the Channel. (89) Of course if true, this will be good news to those individuals who fear the opening to Europe

might lure British businesses wanting a foothold in other markets and seeking ways of raising their profile in other EC states, resulting in a concomitant reduction of their sponsorship commitments within the UK.

Scepticism has also been echoed by **Stephen Townley**, Director of Stephen Townley Associates, who said that he doubted whether the arts can benefit in the same way that sport has through the sponsorship by American and Japanese companies of large sporting events. He identified three potential difficulties that had to be taken into consideration in offering a "European" package to a sponsor: how to protect the sponsors' rights; the regulations governing the credits that are offered to the sponsor, and the regulatory aspects concerning advertising, especially restrictions on alcohol and cigarette advertising (which is already banned in Italy and Portugal).(90) As some UK arts organisations have discovered, there can be a conflict of interest between sponsored touring companies and receiving venues, especially in the context of festivals, which might have their own sponsorship arrangements. EC proposals for a ban on tobacco advertising, including sponsorship (which is being strongly resisted by the UK, German and Dutch governments within the European Council of Health Ministers), could also pose a threat to the sponsorship income of arts organisations. Furthermore, although it is now possible in many countries for companies to deduct a sponsorship contribution as a legitimate business expense, the wide divergence in tax regimes currently act as a break on pan-European sponsorship. Additionally, as a new tax guide to ***Business Support for the Arts in Europe*** and the various fiscal regimes points out, any moves to harmonise the tax on giving to the arts might lead to compromises that would be prejudicial to the UK, where the sponsorship environment is relatively generous. (91)

Cultural Comparisons

Almost inevitably any discussion on Europe also raises questions of relative support levels. Arts organisations seek data to prove to the funding agencies that they are less well supported than equivalent bodies overseas; politicians in power demand information to prove that their support stands comparison with most other European countries; opposition parties seek to establish a different scenario. In a novel twist on the usual assumptions about French government largesse for culture, **Augustin Girard**, Head of the Department of Studies &

Forecasts at the French Ministry of Culture, revealed at the Glasgow Conference that he was under pressure from his Minister's office to prove that London was spending more on culture than Paris, which of course was administered by Jack Chirac, arch rival of the Socialist Government then in power.(92) Both **Girard** and **Carl Johan Kleberg**, Assistant Director of the National Council for Cultural Affairs, Sweden, referred to the considerable difficulties in trying to achieve comparability in statistical data that had thwarted researchers such as themselves for 20 years or more. **Kleberg** pointed out that successive Conferences of European Ministers of Culture had recommended the need to develop and improve cultural statistics and indicators to facilitate comparisons, but little in the way of tangible results had been achieved. (93)

Notwithstanding the difficulties, comparisons will continue to be made, often misleadingly, whether or not statisticians and researchers become involved. Acknowledging the difficulties, a comparative survey of arts and museums expenditure in five European countries - France, Germany, Netherlands, Sweden and the UK - plus Canada and the USA, undertaken by the Policy Studies Institute, had adopted a pragmatic approach. (94) In determining per capita expenditure in each country the study had concentrated on direct public expenditure and did not take account of para-fiscal measures or other indirect aid. The study yielded few surprises. British expenditure was considerably less than the other European countries, but more than the USA - though this begs the question of whether tax revenues foregone in countries where fiscal incentives are well developed should count as indirect government aid. A new survey is now needed.

Faced by some alarming statistics which suggest declining attendances for some art forms, the interest of politicians and policy-makers in Europe extends beyond expenditure comparisons to studies of trends in attendance and participation in cultural life. However, any attempt at a Europe-wide synthesis faces similar obstacles as are encountered with spending comparisons: data for some countries is lacking; the definition of cultural practices varies; the questionnaires, survey dates and socio-demographic categories used nearly all differ. In an attempt to get to grips with the issue, the CIRCLE (Cultural Information & Research Centres Liaison in Europe) network, in conjunction with the All-Union (now Russian Federation) Arts Research Institute and the former Soviet Ministry of Culture,

organised an exploratory European Round Table in Moscow in April 1991 on "Participation in Cultural Life in Europe". As a result CIRCLE is working with UNESCO and the Council of Europe to devise a single questionnaire and uniform methodology to enable a European-wide survey to be undertaken on participation. In the late Summer of 1993 CIRCLE will also publish a report on overall and sectoral trends in attendance and participation on culture in Europe, based on conclusions derived from an analysis of available data and the lessons to be drawn from them. The report will also examine measures governments might take to combat the declining interest in traditional art forms evident in many countries. (95)

What Future for Publishing and Reading in Europe?

In an age dominated by visual images, one of the traditional art forms that some forecasters have predicted will be in decline is literature and the book. Yet available research reveals that readership has increased in most countries of Europe and two out of every three Europeans reads books. There is a marked North-South divide, with the colder climates in Northern Europe traditionally having a larger percentage of readers. However, although the number of readers is growing throughout Europe, the purchase of books is declining almost everywhere. In the Netherlands, for example, book sales fell by nearly one-third between 1970-1987. On the other hand, the trend in Europe to less buying and more borrowing from libraries is not echoed in Britain, where book sales have increased, but book loans appear to have decreased.(96) Of course the nature of reading preferences is another issue, but it is likely to increasingly favour the press and magazines rather than books.

A worrying trend generally is the significant decline in readership rates of the so-called "television generation". Surveys in France and elsewhere reveal that the young read less than they used to, and less of them read. The concern is such that the Council of Europe devoted its Seventh Conference of European Ministers responsible for Cultural Affairs, held in Paris in October 1992, to the situation of books and reading in Europe, and with the European Community it is to launch a campaign in 1993 intended to raise awareness of books and reading.

The British reader is perceived as parochial despite the recent success of authors such as Umberto Eco, Milan Kundera and Gabriel Garcia Marquez. British publishers, according to

Anne-Louise Fisher, literary adviser to European publishing houses, are largely uninterested in literature from other European countries, unlike their European counterparts who seek "the best literature available from whatever source".(97) In Fisher's view, the standard of book publishing is also higher on the Continent and the approach of European publishers is more professional, as evidenced by the quality of their translations.

Perhaps the dominance of the English language is partly to blame for the attitude of British publishers? Certainly **Patrick Wright**, Chief Executive of Hodder & Stoughton and former Director of International Development for Penguin Books, declared in Glasgow there are "no Frontiers for English language publishing, there are no tariffs, there are no border restrictions". In his opinion Europe was not one market, but many, with each country having its own commercial characteristics, different book industries and different trends of English use. According to Wright:

> "....English publishing is well positioned to take advantage of what is happening in general in Europe, and I think you will see a great deal of activity from British publishers in the future"

The British book publishing industry exports 35% of its output, 25% of this to other Member States of the EC. Its exports and foreign rights sales alone are worth 1.5 billion ECU. Wright predicted British publishing would develop on a European front by acquiring European publishers, engaging in joint ventures with other European publishers, or by making a foray into Europe under the publishers own banner. (98)

Successful British authors have already discovered they can make a large part of their income from European sales. However, for many authors such opportunities have not yet presented themselves, and the European Commission is producing a profile of the social situation, tax and copyright arrangements for writers and translators in each EC country. (99)

Unfortunately EC policy has still not recognised the difficulties faced by new writers in getting work published - a situation, in the view of many UK authors, which is unlikely to improve following the ruling by the European Court of First Instance that the Net Book

Agreement operated by the UK Publishers Association infringed EC law. The general fear is that the larger retailers are likely to engage in a price war that will force out the small specialist publishers and bookshops. The European Court has also issued judgements against both trans-national and national price fixing in the book sector in the Netherlands, Belgium and France. In each case, the fixed price of books was regarded by government or by publishers associations as a measure to sustain the diversity of specialist publishers and booksellers in the face of competition from larger retail outlets or distributers that, operating on reduced profit margins and sometimes a limited range of titles, were keen to reduce cover prices. However, such measures were considered by the EC and the European Court of Justice to be restricting competition and detrimental to intra-Community trade under Article 85 of the Treaty of Rome. Both the Commission and the Court remain unconvinced that resale price maintenance is the only instrument open to protect the smaller booksellers to secure improvements to book distribution. However, anxiety about the disappearance of sales outlets prompted the Conference of European Ministers responsible for Cultural Affairs to recommend the Council of Cultural Co-operation of the Council of Europe to interest itself in maintaining "a sufficiently dense network of bookshops" in Europe. (100)

The main significance of 1993 for **Anne-Louise Fisher** was that it was another step in a process - "The Europeanisation of Britain" - which was already underway. It was a catalyst for reducing the isolation of British publishers and readers from European influence. Good translations remain one of the best ways of furthering this process. In its policy post-Maastricht, the Commission is likely to seek greater financial support for the translation of literary works, particularly in areas which are less widely published (eg poetry and drama), and it would be seeking to stimulate quality translation as well as extending existing aid schemes to Central and Eastern Europe. These are issues that also concern the Council of Europe, which is intending to support the training of translators and training for booksellers, librarians and publishers in the former Communist states. Many publishers in Eastern and Central Europe are using their book production budgets increasingly to purchase the translation rights of Western authors, but at the expense of indigenous writers. The situation is aggravated by existing copyright laws in Central and Eastern Europe, which discourage publishers there from exploiting their investment in local writers. (101)

For **Philippa Harrison**, formerly with Macmillans, the question of copyright and territory was the most important publishing issue raised by the European Single Market. In particular, she was concerned whether, as a result of EC competition rules, any product lawfully for sale in any of its markets may be imported into another and thus mean:

> "...that American editions of books sold in Europe will be imported in bulk to the UK, even though an English publisher, not an American one, will hold the exclusive territorial rights to publish in Britain" (102)

Whose Rights Anyway?

Issues such as territorial rights are one of the less publicised aspects of the EC negotiations on GATT (General Agreement on Tariffs and Trades). National provisions on copyright and neighbouring rights (i.e. rights which assure persons or enterprises contributing to a cultural act other than the author, such as performers or broadcasting companies, an income from reproduction of their performances) vary so much from one country to another in the European Community, let alone the wider world, they have resulted in protective barriers forming an obstacle to competition and the free movement of goods and services. Moreover, the EC has been anxious to confront the huge problem of the unauthorised reproduction for commercial purposes of copyright works, which is seen as depriving creators, performers, producers and broadcasters of millions of pounds. Piracy now exists on a huge scale internationally and the situation is likely to deteriorate as poorer countries of the world find they are unable to pay multi-national publishers and broadcasting companies royalties for use of their products. GATT has been seen as a mechanism to achieve a measure of international agreement to curb, if not eliminate, piracy.

Copyright law on literary and dramatic, musical and artistic works is having to develop to cope with rapid developments in technology and social organisation as the exploitation of intellectual works becomes increasingly international within the European Community. The Commission's intention is to achieve legislative harmonisation across Member States, to update legislation where necessary and to provide a single voice in co-ordinating international initiatives on rights - in itself no easy task. Its actions have strengthened the economic rights

of authors or creators, but largely ignored differences between EC Member States in the interpretation of *moral rights* (i.e. the right of the creator of a work to be permanently identified with it and to be able to object to its distortion).

Since the publication of its Green Paper on ***Copyright and the Challenge of Technology*** (103) the Commission has drawn up a series of legislative proposals to harmonise laws on: the duration of copyright; sound and audiovisual reproduction; satellite and cable broadcasting; the protection of databases; and rental and lending rights. These moves will have repercussions not only for the law of the UK, but also for those countries (eg Australia, Canada and Hong Kong) which are influenced by UK law. The Commission has also sought to ensure all EC states accede to the international conventions - the ***International Convention for the Protection of Literary and Artistic Works*** (the Berne Convention) of 1971 and the ***International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations*** (the Rome Convention) of 1961 (104). It has also been studying whether Community action is necessary in the area of *droite de suite* (ie the right of artists to receive a percentage on the resale price or the profit obtained from successive sales of their artworks). *Droite de suite* already operates in eight EC countries (Belgium, Denmark, France, Germany, Italy, Luxembourg, Portugal and Spain) at rates ranging from 2% - 6% and a campaign is being launched in the UK in 1993 to lobby for its introduction here. (105)

In the lead up to the creation of the Single Market, copyright is one of the cultural issues on which there has been the most intense and divisive lobbying of the Commission, the European Parliament and national governments. The duration of copyright is just one example. In most EC countries, copyright lasts for the life of the creator and 50 years after his/her death. However, the Commission's ***Proposal for a Directive on the Terms of Protection for Copyright and Certain Related Rights*** seeks to harmonise upwards to German levels of 70 years the period of protection given to playwrights, composers, writers and scriptwriters and to harmonise related rights at 50 years post publication for performing artists, record and film producers and recording companies. (106) This has led to a schism within the EC, with the European Parliament voting narrowly in favour, but the Economic and Social Committee preferring a 50 year ceiling. Not unexpectedly it has also thoroughly divided creators from users. It also raises the question of whether any new revenues

accruing from the extension of the term of copyright beyond the current norm might be better applied to *living* artists rather than the rights holders of dead authors.

Initial proposals on ***Private Copying of Sound and Audiovisual Recordings***, in which the Commission's aim is to introduce a unified levy system on home taping, have also aroused controversy. (107) Currently, some EC states impose a levy on blank audio and/or video cassettes; others levy a tax on the equipment. Of the remaining countries, some impose a levy on both tapes and equipment and others have no provision for either. Generally, the combined tape and equipment levy is considered fairer in that it spreads the burden of payment on both producers/importers of equipment and tapes. Such a measure is intended to compensate the recording and video industries directly, and performers indirectly, from loss of revenue due to illegal copying. However, in common with the Governments of Ireland and Luxembourg, the UK Government's position has been to resist the imposition of a levy, and negotiations have been shelved.

Surprisingly the European Commission's ***Directive on Television without Frontiers*** (108) contains no provisions for copyright, yet as **Robert Abrahams**, former Director of External Affairs and Deputy Chief Executive of the Performing Right Society, observed in Glasgow:

> "....satellite footprints straddle barriers...how do the authors' societies, which have traditionally dealt with licensing on a territorial basis, meet this challenge and opportunity" (109)

A ***Proposal for a Directive on the Co-ordination of Certain Rules Concerning Copyright and Rights Related to Copyright Applicable to Satellite Broadcasting and Cable Re-transmission***, which had reached its first reading stage at the European Parliament in October 1992, is seen as an attempt by the Commission to address intellectual and related rights in the light of the new delivery systems. (110) It seeks to harmonise the protection given to authors, performers, broadcasters and manufacturers, requires Member States to ensure the 'author' of a copyright work has the exclusive right to authorise or prohibit its communication to the public, and endorses a 'country-of-origin' solution to the question of where rights have to be cleared for satellite broadcasting. However, it has left unresolved

the question of whether the economic rights are negotiated individually as in the film industry or collectively as in the recording industry.

Another issue still to be resolved by the EC relates to the future role of the national rights collecting societies and whether they will be required to allow creators from other EC states to become members and whether authors can elect not to assign all EC rights to one national collecting agency.

Moves to harmonise copyright regulations have revealed a fundamental conflict between the position of those countries that follow 'Anglo-Saxon' law (eg the UK, Ireland and to some extent Luxembourg), which tend to acknowledge the rights of the producer or broadcaster on an equal basis with the creator, and those that broadly follow 'Roman' law (eg France and many of the other EC countries), which prioritise the original creative source. Consequently, it is in the area of *moral rights* where the discord has been most intense, with 'authors' and their collecting societies who consider moral rights to be inalienable ranged on one side, producers and broadcasters on the other, and performers somewhere in between.

The ***Directive on Rental Right and Lending Right and Certain Rights Related to Copyright in the Field of Intellectual Property*** illustrates this well. (111) The Directive aims to protect the income and rights of creators (authors, composers and directors of films etc) and performers (in relation to the 'fixation', i.e. the recording in any medium, of their performance) against the unauthorised exploitation of their work by enabling them to prohibit the commercial rental or lending of works in copyright. At the same time it seeks to protect the large scale, technical and financial investment of broadcasters, record and film producers. The original proposal caused particular concern to the film industry in Britain, because of the implication that producers would lose exclusive rights to the exploitation of their work. The amended Directive, adopted by the EC Council of Ministers for the Internal Market in November 1992, is a compromise which safeguards the rights of the creator, but partially placates film and broadcasting interests as the performing artist is presumed to have assigned exclusive rental, lending, reproduction and distribution rights to film producers, subject to the artist receiving "equitable" remuneration. It is intended that the Directive will apply to all works covered by copyright as at 1 June 1994, though the "unwaivable" right of the

copyright holder to economic participation in the revenues earnt will not apply until three years later.

The problem with EC intervention in this area, as Brian Sturgess, Editor of ***Media Policy Review***, points out, is that it is trying to fulfil two potentially conflicting aims with the same legal instrument:

> "It aims to encourage and protect the income of cultural workers - a form of social policy - and to stimulate a wide range and high output of cultural products - a form of industrial policy. However, by its polygamous marriage of national legal systems and cultures in one directive, it could fail to achieve either objective." (112)

Certainly any changes that enhance the status of authorship are considered by UK producers in the audiovisual sector as a threat and likely to result in reductions in film and broadcast industry investment. Broadcasters fear that EC attempts to extend the duration of copyright, if its effects were to be retrospective, would have an adverse impact on programme revenue as the value of TV companies with large back catalogues would be reduced. Some claim it would result in less acquisitioning and commissioning of European programmes as broadcasters turned to more profitable American-made product, which would negate modest EC action designed to invest in Europe's audiovisual sector.

Broadcasting without Frontiers - High Hopes or a False Dawn?

The ***Directive on Television without Frontiers*** requires broadcasters in EC states to devote more than 50% of their output to European producers and to reserve at least 10% of their transmission time or at least 10% of their programming budgets for work by independent European producers. (113) This was seen as an attempt to boost Europe's hard pressed film and television industry in the face of the huge influx of American product on European TV and cinema screens, though some would argue the ambition was weakened at the outset by the insertion of the caveat "wherever possible" after the percentages. Of course the economic stakes are high - film and TV programmes are the second largest export in the American service sector and exports to Europe were worth 600 million ECU (c£495 million)

to the USA in 1988, with more than 50% of all feature films shown on European TV originating from the United States (114) - and the EC negotiators on GATT have been hard pressed to resist American demands for them to abandon both the ***Directive on Television without Frontiers*** and the EC's MEDIA programme.

Television without Frontiers was the first step in the establishment by the EC of a regulatory framework to achieve its vision of a Europe-wide audiovisual area without legal and technical barriers. EC intervention in the audiovisual sector was a direct response to the communications '*tsunami*' (tidal wave) engulfing Europe. It had a threefold approach: first the creation, promotion and distribution of film, TV and video; secondly the free circulation of programmes; and finally the development of agreed standards for new technology, notably in relation to High-Definition Television which produces cinema quality images on wide screen TVs. In relation to the first of these, the main Commission thrust has been aimed at developing an environment favourable to production, training and the improvement of funding mechanisms. A chief instrument in achieving these objectives has been the MEDIA (Measures for the Encouragement of the Development of the Audiovisual Industry) programme, with 19 different schemes at the last count, to mobilise capital resources and improve distribution through new forms of co-operation and the injection of seed money. (115) MEDIA is worth 200 million ECU (c£160 million) over five years and some rationalisation of the proliferation of schemes is expected as the result of a mid-term audit commissioned by the EC. Another mechanism for co-operation is Audiovisual EUREKA, which provides a networking framework for transnational projects designed to increase the production of film and TV on a European rather than EC wide scale.

The removal of national barriers to ensure the free circulation of broadcast programmes may seem a laudable enough ambition for the EC - though the fact that an estimated 80% of films made in Europe do not cross the frontiers of the country of origin suggests that other factors, such as language and tradition, and not only distribution have to be addressed if there is to be a genuine Single Market.(116) However, according to **Anthony Smith**, the movement of goods in the Single Market is irrelevant to the movement of ideas and art:

"What is necessary to the flourishing of ideas and art is skill and talent, and

above all the will to say something, to have something to say"(117)

Nowhere is this more a concern than in Europe's broadcasting sector. The rapid spread of cable networks and the increasing use of communication satellites means that Europe's viewing public will have access to an unprecedented number of television channels. But will these meet the forecast growth in demand for 635,000 hours of TV programmes in Europe by the year 1999 and, if not, where will the programmes come from and who is going to finance them? (118) It would be comforting to imagine there might be more channels such as ***Arte***, the Franco-German channel with a commitment to broadcast 1,600 hours of cultural programmes each year but whose long term survival is uncertain, or the ***Kunst Kanaal***, which broadcasts contemporary arts programmes on cable to cities in the Netherlands. But will the reality be that quality is sacrificed for blandness or worse, the endless TV '*spazzatura*' as the Italians call it. All the more worrying, therefore, that prompted by complaints by commercial TV networks in Spain and France against 'unfair competition', the EC is considering to what extent, and under what conditions, subsidies can be justified to public service broadcasting. Although the Commission is obliged to react to such complaints and is expected to be sympathetic to the case for public service broadcasting, this interest worries observers reminded of the EC's rather heavy handed attempts at intervention against national supportive measures for the film industries in Denmark, Germany, Greece and the Netherlands.

The emphasis of EC moves in the development of new broadcasting technologies and standards has been to try and ensure the harmonious development of the European satellite TV broadcasting market and, in relation to High Definition Television (HDTV), to develop equipment, adopt European standards, prepare the market, introduce HDTV services and encourage the production of programmes.(119) However, Europe now appears to have lost the battle with the USA for transmission system standards. Commission proposals in 1991 to offer Europe's TV industry 850 million ECU (c£680 million) in development funds was scaled down to 500 million ECU (c£400 million) over four and a half years, but it is still meeting resistance from the UK Government, which considers the sum excessive and wrongly directed.

Other areas of EC interest and proposed action include mergers in the media sector, the impact of tax procedures on co-operation between European producers and the preparation of guidelines for the application of EC competition rules for certain production and distribution agreements.

Although, as **Anthony Smith** points out in his article that follows, it is difficult to envisage what Europe can do to resist the American domination of film given the high levels of financial investment involved, powerful international corporations and audience preferences, various measures have been introduced by the European institutions. In response to the competition from the American studios and as a way of raising revenue which national markets cannot always provide, co-productions are encouraged by both the European Commission, through its MEDIA programme, and the Council of Europe through the EURIMAGES support fund, which the UK joined at last in 1993. A new basis for trans-frontier co-operation is provided by the ***European Convention on Cinematographic Co-production***, signed in October 1992 by the 35 plus nations that had then ratified the European Cultural Convention (120). This provides a common framework to facilitate multilateral co-productions involving at least three co-producers, and applies a points system in an attempt to define what is meant by a 'European film'. Whether or not it succeeds in overcoming fears that intensified collaboration between film and programme makers in Europe could lead to unsatisfactory hybrid films or programmes, or a kind of 'Euro-pudding', remains to be seen. However, attempts to forge co-production alliances are necessary given the fact that while collaboration has been a reality for British broadcasters such as Channel 4 and BBC, UK co-operation in film has been much more problematic. **Simon Relph**, former Chief Executive of British Screen Finance, considered the fault was due to a fragmented European film industry:

> "....which, as a result of each country setting up mechanisms to protect its own culture, to make films in French, Spanish, German, Italian and English, can work against the concept of co-operation....."(121)

He said that during his involvement with financing more than 45 British films in four years, only two had any European connection, compared with 37 co-productions between France

and Italy alone in one year. This was attributed to two factors: the lack of finance or tax incentives in the UK and the fact that, unlike countries elsewhere in Europe, it was not the practice in the UK to dub films, which limited the market. **Relph** believed there was "a feeling of bitterness in Europe" that many films made on the continent were not given a showing here in the same way that British films were in mainland Europe.

However, TV and film journalist **John Howkins** was encouraged by what he saw as:

> "...a new dialogue taking place, not only geographically, but also between the writers and the directors who had not really been part of the pan-European media debate before... and the financiers, executives and the people developing new technologies". (122)

Several speakers at the Arts Without Frontiers Conference considered that film, television and the arts in the UK needed a co-ordinated policy in one ministry. Now that these sectors and others have been brought together in the new Department of National Heritage, everyone is waiting to see whether a new impetus will be given to the arts and broadcasting agenda.

Towards a European Cultural Policy?

The audiovisual sector remains a priority area for the European Commission in its new five year policy paper, ***New Prospects for Community Cultural Action*** (123). However, its inference that the *cultural* aspects of the audiovisual sector have been taken into account in the Commission's policy is questionable. Commission policies have concentrated primarily on the *economic* aspects. There is a synergy between the arts and the audiovisual sector which the EC has not addressed. Dance choreography for the camera is an example of that synergy in practice. Nor has EC policy introduced effective support mechanisms for the imaginative ways independent film-makers, programme-makers and artists can collaborate in original works for television.

Key areas for action highlighted in the policy paper are: support for cultural networks to stimulate cultural exchanges and co-operation; encouraging artistic and cultural creativity;

increasing support for literary translation; extending action on books and reading; producing comprehensive proposals to protect and enhance the cultural heritage; and, especially welcome, increasing dialogue with national, regional and local authorities.

The tone of this first attempt at a cultural policy framework to reflect developments at Maastricht demonstrates a new EC desire for consultation and collaboration with other institutions and professionals in the cultural sector. However, at this stage, as the document acknowledges, the mechanisms for determining how the priorities are to be achieved are largely left unstated, and targeted action programmes will have to be prepared.

It is disappointing that there is so little reference in the document to the place of non Euro-centric arts. The policy does not adequately reflect the fact that it is not simply a question of the diversity of European cultures, but the diversity of cultures in Europe. Another omission is any reference to the crafts and applied arts, which are still regarded by the Commission as small businesses and an adjunct to tourism.

On the other hand, in referring to the need for the Commission to systematically take into account the cultural dimension of EC policies and programmes, the paper rightly addresses the most important clause of the new cultural article in the Maastricht Treaty given the large number of Commission directorates whose work impinges on the cultural sector. The European Forum for the Arts and Heritage and the Association for the Performing Arts in the Netherlands have commissioned an audit of all EC programmes and policies that touch on the cultural sector as a first step to identifying the potential implications of Article 128.

None of what has been said so far need imply that the Community is moving towards a common European cultural policy, rather than policies for European cultures. There are no serious grounds for fearing that:

> ".....artistic activity in the Single Market may be homogenised, leading to the production of Euro-art by artists patronised by European institutions for political and economic rather than cultural purposes"(124)

Although Member States may be more willing to achieve joint action within a broad framework of cultural co-operation, they are unlikely to be prepared to yield to Brussels significant powers in the cultural sector. The thinking in northern Europe especially has been that a minimalist approach is called for, with the Community being assigned the task of stimulating cultural activities by providing a favourable socio-economic environment and thereby helping to safeguard cultural diversity. A Single Market yes; a Single Culture, no! Maastricht may have legitimised EC action in the cultural sector, but it will not lead to a burgeoning of Commission intervention in culture. Subsidiarity remains a potent principle that, if anything, has been reinforced by the Edinburgh 'Summit' in December 1992. The inclusion of Article 128 in the Maastricht Treaty on European Union, as **Roberto Barzanti** Chairman of the European Parliamentary Committee on Culture, Youth, Education and the Media, points out, is an acknowledgement:

> "..that it is time to give at least a modicum of weight and coherence to a Community presence in cultural sectors which is neither sporadic nor propagandist, nor so restricted as to appear insignificant" (125)

Article 128 may not be perfect but, as Barzanti suggests, it may at least provide a useful reference point for the EC to relaunch cultural initiatives, for if the EC's halting attempts to build a frontier free Europe teach us anything, it must be that an economy and trade led Single Market will have little sustainable worth without a cultural and social dimension. As Jack Lang, former French Minister of Culture, said in one of his more memorable observations:

> "We are building Europeanism.....we must build a Europe of culture after having attempted to build an economic and political Europe".

The way is now open for the national and regional funding agencies, working in concert, to contribute to this process.

The international dimension in general, and the European perspective in particular has assumed increasing importance within the Arts Council of Great Britain and the funding

system in recent years. Some progress has been made to inform and shape policy on international issues and a set of objectives have been drawn up as a basis for action by the domestic funding agencies. ***A Creative Future*** also makes recommendations for policy priorities in international arts. Nevertheless, in the absence of a concrete policy, it is generally accepted that approaches have been ad-hoc and lacking in coherence, and there is insufficient transparency in the responsibilities of the different funding agencies. The funding system needs a coherent policy to provide both direction to, and a framework for, its initiatives in this field and to overcome current uncertainties. At the same time, such a policy needs to be one to which each component of the integrated funding system can feel a sense of ownership and which compliments the work of other organisations.

Consequently, the Arts Council has agreed to develop a policy on international arts which will determine those areas in which the work of the funding agencies might be made easier or more effective through closer co-operation or rationalisation of current activities, resulting in an integrated network of support and advice. The policy will ascertain the principal concerns and needs of key promoters, venues and arts organisations and the extent to which these can be met. In particular, it will review the types of action necessary to stimulate cultural exchange, including current support for promoters and 'gateway' venues and the consequences of the latter's inability to support incoming visits by overseas companies at a comparable level to some of their European counterparts. Issues such as cultural identity, equal opportunities and the regional and linguistic dimensions will also be considered. The process is expected to be completed before the end of 1993. Once a policy is in place, the funding agencies should be in a much stronger position to contribute constructively to the dialogue on the development and implementation of policies for culture in Europe.

Notes

(AWF = Arts Without Frontiers Conference)

(ACGB = Arts Council of Great Britain)

(1) *Treaty of Maastricht, Title IX, Culture, Article 128* , European Community, December 1991 (see Annex A).

(2) AWF *Plenary Report 1: Culture without Frontiers*, ACGB, page 2

(3) *Britons Abroad*, ed Neil Wallace, published by Southern Arts, South East Arts and South West Arts, 1991

(4) AWF *Plenary Report 3: Broadcasting without Frontiers*, ACGB, page 6

(5) AWF *Plenary Report 5: Open Forum*, ACGB, pages 15-16

(6) *Britons Abroad*, op cit, page 3

(7) AWF *Plenary Report 1*, op cit, page 2

(8) Maastricht, *Article 128, op cit*

(9) AWF *Plenary Report 2: Arts Practice without Frontiers*, ACGB, page 2

(10) AWF *Seminar Report 5: Role of the Regions in Europe*, ACGB page 2

(11) *Declaration of Prague*, issued at the Chateau Dobris, Prague, by writers, script-writers and directors from Bulgaria, Czechoslovakia, Hungary and Poland, 13 December 1991

(12) AWF *Seminar Report 5*, op cit, pages 8-10

(13) AWF *Seminar Report 5*, op cit, page 1

(14) AWF *Seminar Report 5*, op cit, page 9

(15) AWF *Seminar Report 5*, op cit, page 18

(16) *International Arts: A Welsh Perspective*, commissioned by the Welsh Arts Council, 1991

(17) AWF *Seminar Report 11: The Cultures of Indigenous Linguistic Minorities in the European Communities*, ACGB

(18) AWF *Plenary Report 5*, op cit, page 7

(19) Report of the 6th Conference of European Ministers Responsible for Cultural Affairs, Palermo, 22-26 April 1990, Council of Europe, Strasbourg, 1992

(20) *The Culture that Grew Aliens in the Mind* in *The Guardian*, 1st February 1991

(21) *The Guardian*, 1st February 1991

(22) AWF *Seminar Report 6: Cultural Diversity*, ACGB, page 4

(23) AWF *Plenary Report 5*, op cit, page 8

(24) 30 April - 2 May 1993. Details from the International Affairs Manager at the Arts Council of Great Britain.

(25) AWF *Seminar Report 25: Arts and Disability - An open or closed door to Europe?*, ACGB

(26) AWF *Seminar Report 1: Facilitating European Arts Touring to the UK*, ACGB, page 3

(27) *Performing Arts Yearbook for Europe*, Arts Publishing International, London E1 7QS

(28) *Who Does What in Europe?*, compiled by Rod Fisher, ACGB, February 1992

(29) *Bread & Circuses: EC programmes and schemes open to the performing arts*, compiled by Louise Scott, Informal European Theatre Meeting, Brussels, March 1992

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Speaking in Tongues: Words and Moving Images as Vehicles for the Cultures of Europe.

by **Anthony Smith**

Anthony Smith regards attempts to sustain European and national values and identity in the context of support for its ailing film and TV industries as ultimately futile in the face of competition from the more integrated American film industry, and also a European climate in which the demands of the market are increasingly favouring competition in broadcasting at the expense of the public service ideal.

No two European nations are nations in the same sense or by the same definition. Cultural diversity is not an assortment of different examples of the same phenomenon - like chocolates in a box. Every nationhood is the rehearsal of a different script, as it were, about the nature of nations.

The arts have long been one of the means by which peoples and nations register their internal sense of belonging. The music of Bartok and Sibelius and Elgar, because these composers made use of materials which evoke the ancient roots of their respective cultures, instantly conjures up in the listener a mental image of Hungary or Finland or England. Film and television gather together and incorporate all of the other art forms (music, costume, painting, poetry, narrative, acting, photography) into the moving image and so can draw upon all of the unconscious standards of a culture in addition to the direct representation of national topography and personality. It is not surprising that the sustaining of a national cinema and also an indigenously-controlled television system have come to seem crucial to people who want to preserve the sense of national identity and international diversity into future generations.

In the long run, of course, the connection between local cultures and moving images may not be accepted as proven. Europe might preserve its myriad of national differences whether or not it contains a string of lively local film industries. Or, it might gradually lose its cultural

diversity even if it invests heavily in the industries of the moving image.

There is another current argument to the effect that cinema is advantageous or even vital to the creation of a cultural dimension within the new European entity, and to the maintenance of 'European values'. To this end a number of special systems of aid have been initiated by the European institutions to encourage collaborations and co-productions between European countries. These are attractive political aims and offer attractive excuses, should such be needed, for helping cinema production within our continent. But there is a danger if ends and means become confused, with the inevitable result being the kind of vexations that arise when political hopes are frustrated.

One may recall the pressures from Welsh-speakers in Wales over the last twenty years. Some demanded compulsory schooling in Welsh to save the language and the identity. Some even took to blowing up dams in protest against intrusion from the English language and people. A few even burned down holiday cottages belonging to non-Welsh speaking 'intruders'. Some demanded, successfully, that great sums be spent on establishing a Welsh language television channel. None of these measures have overtaken the (regrettable) historical tendency of the English language to displace the Welsh. There does, indeed, exist today a manifestation of Welsh culture in the moving image - and no-one regrets its existence. But has it achieved the political objective which gave rise to it? Perhaps the problem is that the rhetoric of nationhood often arises after the reality has begun to disappear. In politics people cherish things only when they are about to lose them.

The determinants of every separate nationhood are, of course, incomparably different. Some regional or national groups appear not to look for their ultimate expression in statehood, while for others it is felt to be essential. Some are dependent upon a language, or on a special geographical circumstance or predominant occupation, others not. Whenever a group or nation finds itself worrying about measures necessary to preserve its identity, it probably has lost it. We should beware of the politicians, bureaucrats and social scientists, therefore, who tell us either that European diversity is in jeopardy unless it is now somehow artificially preserved, like an ancient monument (and by similar means), or that national identity is being threatened by contact with other people unless it is urgently preserved by special measures,

like a kind of jam in sugar.

We must remember the historical diversity of European cultures, preceded the nation-state. It was not a gift of the 19th century. That century first planted in us the taste for nationalism, with its cruel boundaries, its repression of regions and its exaggerated expectations of the material and intellectual benefits. The endlessly proliferating differences and contrasts of Europe, reflected in its music, art, building, religion, languages and costume, are rooted in earlier centuries, often shaped by more ancient conflicts. The energies which gave rise to them are by no means spent - culturally, politically or militarily.

The Europe of multitudinous diversity has only one capital city and that is New York, the only world city in which nearly all of the European people enjoy a constantly renewed and unself-conscious cultural manifestation (Australia, Canada and California have cities with rival claims). It is not within the remit of Brussels or Strasbourg or the Hague to preserve cultural diversity through manifestations in art. Art, of course, requires official support, including subsidy, and at the level of cities, counties, regions, provinces, national government, but perhaps not for the purpose of helping some (no doubt laudable but ulterior) political objective. At its most extreme that line of thought leads to totalitarianism.

Within Europe itself we can acquire a lively sense of our diversity either by travelling or by looking at film and television. The media cannot be manipulated to 'preserve' cultural difference, but they are the carriers and evidences of our different attitudes and these are themselves the product of a diversity of communal histories.

Just as New York has become the salad bowl of European difference, another American city, Los Angeles, has become the world headquarters of the industry which feeds upon and in turn nourishes the mass imaginations of the world. The film industry of America is the principal art-form of that country. Hollywood was created largely by immigrant central Europeans earlier in the century. It continues to be the headquarters of the international industry of moving images and the proving ground for all talented people in cinema who wish to be accepted internationally. From Eisenstein to Bertolucci, European film-makers have had to cut a figure in Hollywood if they are to cut a figure in the world.

The position of Hollywood in cinema has long been a challenge to those Europeans who want to guarantee the future continuity of local national industries or who want to found a European continental industry (it should be noted that these objectives although compatible as present-day goals, do suggest a future full of contradiction). The 1980s saw renewed efforts on both fronts, but any effective international film-making enterprise has to come to terms with the sheer fact of American cinema, with its energy, its grasp of narrative technique, its physical control of distribution, its access to capital, its possession of the great international stable of artists and craftspeople. The call to European 'identity' - whether to serve the ends of regionalism, nationalism or the new continentalism - is rather faint when it confronts the realities of American cultural power.

The frustration which is felt by many people at the dominance of cinema on the part of America is evident, but it is not clear what can be done to reverse a phenomenon which is rooted in economics, in powerful corporations and, perhaps most invincibly, in the preferences of audiences around the world. It is impossible to wish it away and it might be dangerous to try to overcome it by bureaucratic manipulations within the institutions of the European Community. Of course, cinema and, increasingly, the television industry need the help of those institutions, and the subsidies which they are now beginning to provide to an investment-starved art-form. The only problem lies in the conflict of aspirations between the providers of the subsidy and that which the users of the subsidy can realistically achieve.

When one speaks of the American film industry one is referring to a group of companies fully integrated in themselves. The film economies of Europe are, on the whole, desegregated entities, with the film distributor (often a locally naturalised American company) providing pre-production loans or guarantees to local producers, organising marketing when the film is ready and finally arranging for the circulation of the film; the profits are channelled back to the American studio of which the local distributor is a subsidiary. In many countries (Britain in particular) production has become detached from distribution and exhibition, rendering it a much riskier business for a private investor to approach than film production in America.

Television has tried to come to the rescue of cinema in many countries of Europe, but its

lower budgets and its large appetite for material put European producers in an even more difficult bind when they confront the American market - their films seldom achieve the production qualities necessary to capture the approval of the American domestic market.

Moreover, America's integrated system naturally expresses the cultural identity and national values of the United States for they are locked, as it were, into the system. During the years of the Cold War many countries of Eastern Europe enjoyed flourishing national film industries; in Western Europe, too, national subsidy systems have helped to maintain vibrant and creative national film cultures, even in several of the smaller countries. The great fear of the 1990s, as a major political and economic unit begins to emerge in Europe, is that the outreach of Hollywood will become even more effective. The imagery of America displaces national language and gesture, national fable and landscape, and perhaps in time the sense of belonging to the traditional national entity.

Finding the organisational means to maintain national identity within the moving image media has become both the ideal and the mirage of a new generation of European politicians and administrators. They share the feeling that the Europe they seek to build in this generation can never be conjured into existence unless it has recourse to an industry of mass entertainment which enshrines European values and enhances within Europe the sense of being 'European'. The question is whether they are wanting something impossible - or perhaps two impossible things at the same time - in the quest for both national and continental identities.

The only tool which countries - or the continent as a whole - can use to bridge the gaps between the desegregated elements of European cinema is subsidy, the proffering of alternative capital tied, as this always is, to political justifications and political ideas. In the case of cinema, distribution and exhibition as well as production can be the objects of subsidy with benefit to the whole medium, but subsidy can hardly reach the levels of expenditure which secure for Hollywood its constant flow of international blockbusters.

The world now contains a great deal of accumulated experience in the subsidising of the arts. No party in any country is any longer opposed to it, in principle, at least. But politicians,

when they deal in subsidy to the arts, generally harbour one of a number of unachievable hopes: some hope for votes at election time; some believe that they will reinvigorate national tourist industries; some think that the arts can be made to restore a lost sense of national pride - all of them legitimate but over-optimistic political aims.

The new systems of aid to film and television have mainly been directed at production - in particular by subsidising the development of scripts - but also at overcoming the structural problems of the industry in Europe through the growing power over distribution held by American companies. This tendency is now apparent also in many of the ex-socialist countries. But it is really to television (also video, cable and satellite) that Europe has to look for an alternative and locally controlled form of distribution. To maintain an indigenous flow of images within a society, it has to have a distribution system which is not dependent upon judgments about the tastes of its audience made outside its boundaries. That is not a recipe necessarily for preserving the morale or cultural particularism of the society, but simply of a continuing flow of production work within the society.

The implication is that it is the regulatory systems of broadcasting that alone guarantee a future for the moving image as an industry. If we in Europe really want to keep images of our lives and our histories alive in the market of mass entertainment, then we should look to the BBCs and ARDs and RAIs of Europe. In the 1980s, country after country in Europe has pursued a kind of economic *will-o'-the-wisp* in trying to force television into a new era of competition within the private sector. Television is not really a transactional medium at all, its programmes being beamed without payment direct to an audience, and it has taken considerable political will to force the medium into a mode into which it has not been fitted by nature.

Governments have driven successful national and public providers of television into the maelstrom of market competition, in the belief that the fear of poverty and the pursuit of greed would force them into being culturally and financially successful. It has not been difficult to find willing entrepreneurs, but whether they have served the purposes envisaged is open to question. Some of the new men of television have gone conspicuously bankrupt. Some of the remaining public service systems have been left demoralised and without

resources to live alongside their new competitors.

Look at the mess of French television today, the braver experiments in ruins or closed down. Look at the sad state of the British system, the commercial companies now having to abandon much of their high quality work which they have produced for thirty years and the BBC itself, once the best of them all, in a state of demoralisation and awaiting without optimism further political attention in the 1990s, intended avowedly not to improve the flow of programmes, but exclusively to restructure and retrench. Future ages will stare with amazement at this page in the history of European television, and wonder how democratic societies allowed their governments, while their minds were fixated by ideologies of de-regulation (the long-term outcome of which they could only dimly grasp), to undermine the principal cultural machinery of the age. There were variations in aim and method between countries, but with similar results, the deed being done by parties of different political colours.

If we are looking in the 1990s for one sure way to maintain an enduring European contribution to the culture of the moving image, then we should give some thought to the retention of the institutions which were built in the era of post-war democracy to house the medium of television. This world of European public service television is slowly fading as the new entrepreneurs enter the scene. It is not too late in the 1990s to find a regulated compromise between the market and the public service ideal, even though this will involve thinking again about the ownership of cable and satellite. The rules of the European Community on competition can be adjusted to cater for the special needs of a medium which needs indigenous (national or regional) control if its products are still to reflect the cultures of Europe.

Creative regulation - one of the great cultural achievements of the societies of Western Europe - could help to maintain effective institutions of television, in both private and public sectors. That is probably the only way in which we can maintain - in television, at least - the kind of integrated institution which brings audiences and producers together. The alternative is the open market of audiences and programmes which leads directly to oligopoly and the erosion of diversity. The purpose, however, should not be a muddled one; it should not be

to pickle national cultures in the brine of subsidy, but rather to guarantee local industries of production, leaving them to reflect the world as heart and intellect dictate.

Anthony Smith is the Vice Chancellor of Magdalen College, Oxford. A former BBC TV current affairs producer, he has written a number of books dealing with the media and the information industries including ***The Shadow in the Cave, Goodbye Gutenberg*** and ***The Geopolitics of Information***. Among his many public appointments he was Director of the British Film Institute from 1979 to 1988.

Which New Europe? A Dawn of Cultural Diversity or a Euro-centric Paradise?

by **Kwesi Owusu**

The new cultural article 128 of the Treaty of Maastricht fails to provide even a perfuntory acknowledgement of the contribution of the newer communities of European citizens - those whose origins lie in Africa, the Caribbean, Asia and South America. Kwesi Owusu argues that the process of 'Europeanisation' has yet to recognise the reality of Europe's multi-cultural composition and the contemporary and historic influences that it has had on European culture.

The processes of 'Europeanisation' currently under way give a whole new dimension to the historical evolution of the Continent. In the arts and cultural industries the potential multiplicity of audiences, international exchanges, enlarged markets of consumers and producers pose exciting possibilities. These are likely to be mediated by the national agendas of member states and what, for many, is now a worrying trend towards intractable nationalism in some of the leading nations.

'Europeanisation' comes in the midst of the worst racial attacks that the Continent has known since the war. Germany alone recorded more than 2,000 officially registered attacks in 1991. Paradoxically, German unification has accentuated racial hostility and demanded restrictive legislation on 'foreign workers'. Nonetheless, initial optimism for a new European cultural dawn remains strong.

Unfortunately, the main tenors of debate and perspectives informing the evolving consensus on a new cultural Europe are essentially flawed. They fail to articulate or even conceptualise the role of an essential part of the European Community: the twenty million or so permanent citizens of member countries originally from the global south. In the face of the significant historical impact of global south cultures on Europe and the pervasiveness of their contemporary influences, this failure is striking.

The cultural identity of Europe as a historical entity is older and more diverse than the present division of the Continent. There are also deep cultural strands and resonances which transcend particular nationalisms and belong to a collective ancient and modern past. The Renaissance, for example, made an impact on the various national cultures of the Continent but it was quintessentially European in its global significance. It celebrated a creative and artistic resurgence which in essence was predicated on the conquest of global south cultures. When its philosophers confidently affirmed Rome and Greece as the basis of western civilisation they were not so much denying the determining influences of ancient Egypt and Asia, as moulding new crucibles of commemorative history. These complemented the victorious optimism of the time and the politics of a rising global power. When the Commission's blue flag is finally hoisted in a new multi-cultural Europe, will there be, at least, a metaphorical star for the 'silent voices of the thirteenth state'?

Europe's collective identity is bound up with the cultures of the global south. It has always been. The ancients knew this and were particularly comfortable with it. Medieval generations came to accept it. In paintings of the Adoration of the Magi, the image of the black magus attending the madonna is dignified and expressive of human equality. Modern painters such as Van Dyke, however, transformed him into a diminutive figure, either standing behind his mistress or kneeling at her feet. Such symbolic emasculation is a part of a recurrent phenomenon of misrepresentation and marginalisation in European history.

Coinciding with the rise of European economic power, reason came to be seen as a liberating ideology which made human progress possible through the application of science. This was seen as an integral feature of the process which would return global south cultures to the folds of history. It was assumed that this would require Europe's guidance and physical presence.

The legacy of Eurocentricism haunts contemporary Europe. It is one of the major obstacles prohibiting the development of a positive multi-cultural future. The false and rigid dichotomies it poses between global north and south, west and east, modernity and tradition, constantly devalues the impact of these categories by equating some of them with backwardness and exotica. Yet the impact of global south cultural traditions on Europe is

impressive. It ranges from influences on major artists and movements such as Picasso and the cubists, the surrealists and the orientalists to classical music from Monteverdi to Stravinsky.

The contemporary record is equally remarkable. Ben Okri, for example, a British-based writer originally from Nigeria, won the Booker Prize. Artists as diverse in their creative contributions as their cultural background, such as film makers Souleyman Cisse or the late Satyajit Ray, novelists Garcia Marquez, Derek Walcott and Salman Rushdie, poet Pablo Neruda, and musician Ravi Shankar, have all become part of Europe's artistic and creative iconography. The controversy surrounding Rushdie's novel ***The Satanic Verses*** was perhaps also a reminder of the short-sightedness of perceiving contemporary cultures in rigid dichotomies of east and west, north and south.

On the fashion catwalks of Paris it is now commonplace to see the models of Jean Paul Gautier in the South Indian lungi or North Indian shalwar khamiz, or to see in British newspaper colour supplements the Pakistani garbs of designer Laurent Goldstein. The influences of Asian music are discernable in the work of La Monte Young, Philip Glass, John Cage and Stockhausen amongst others. Shankar records with Jan Gabarek on the German ECM jazz label, the violinist Subramanian records in Denmark, sells compact discs in France and the Netherlands and records with Stephan Grappelli. British rock star Peter Gabriel records and tours with Youssour Ndour of Senegal and 'world music' festivals such as WOMAD in Britain have become permanent features in the musical calender of Europe.

Europe's capitals have also been significantly transformed in the last few decades into an enriching and culturally diverse cosmopolitanism. From radio and television programmes specialising in 'world music' to new commercial outlets distributing global south records, films and videos, textiles and tropical foods, there is now a wide range of goods and services which have broadened and given new cultural meaning to consumer choice.

Paris is presently the capital of African francophone cinema as well as African and Caribbean francophone music and literature. ***Presence Africain***, the unique journal of post war decolonisation in Africa is still published there. In the 1950s and 60s it was the flagship for

'negritude' intellectuals such as Leopold Senghor, Aimé Cesaire and Birago Diop, to whom Jean Paul Sartre paid tribute for their contribution to French literature and surrealism.

Paris is also a trend-setter in contemporary European popular youth culture, increasingly becoming a fusion of south and north cultures expressed through the iconography of African American popular culture. The fusion of traditional African Arab music and the influences of pop, soul, hip hop and house in the Parisian suburbs have produced a stream of hugely popular music and dance crazes such as Rai. Originally made popular by Algerian musicians such as Cheb Khaleb, it is a syncretic mix of pop beats and Arab vocalisation. The Rai explosion of the late 1980s produced new multicultural groups such as Mano Negra which fuses Spanish, Arabic and flamenco music with rock. Rai music has become a vehicle for a new craze of linguistic innovation called 'a l'envers'; the clever inversion of French words and phraseology to evoke new and humorous meanings.

Amsterdam is the centre for Surenamese and south Caribbean culture in Europe and rivals London for the best in Black theatre. De Nieuw Amsterdam Theatregroep, directed by one of the best European theatre directors, Rufus Collins, is now well established and tours extensively in Scandinavia and Germany. What is particularly interesting about the Black theatres in the Netherlands is their exploration of a vibrant multiculturalism and the fusion of art forms, drawing on a rich reservoir of Surenam's traditional culture.

It is now possible for the average European citizen to appreciate a broad range of world cultures at home and experience them at first hand. The Caribbean Notting Hill Carnival, dubbed the biggest street party in Europe, attracts more than a million revellers each year. It has developed from humble beginnings in the mid-1960s into a gigantic public festivity; a powerful fusion of apparently disparate aesthetic, social and political elements, exalting new cultural ways of seeing and celebrating life. Notting Hill Carnival is a landmark cultural institution occupying a special place in British cultural history. With the demise, particularly since the industrial revolution, of mass festivals and popular recreations, it re-affirms the vibrancy of the disappearing popular tradition of mass festivity. It ought to be articulated as positively European, promoted as a major community event and linked with other European carnivals.

Among the member nations of the Community, Britain appears to have the most developed infrastructure of Black European arts. In spite of the financial insecurities brought on by the economic recession, there is now a thriving range of sectors and companies: theatre groups such as Talawa, Tara, Temba, and Black Theatre Co operative; film and video workshops such as the award winning Black Audio Film Collective, Sankofa and Ceddo; innovative dance companies such as Adzido, Phoenix and Irie; young painters such as Sonia Boyce, Keith Piper and Gavin Jantjes; a new school of Black British jazz and soul featuring stars such as Courtney Pine, Steve Williamson and Ronny Jorden, Jazzy B and Soul II Soul, Yazz, Caron Wheeler and Ruby Turner; and a new generation of writers such as Joan Riley, Hanif Kureishi, Ben Okri, Caryl Phillips, and Merle Collins.

Public arts institutions in Britain such as the Arts Council and Regional Arts Boards have directly funded the infrastructure of organisations and artists. This is unlike France and Germany, where the funding of the bulk of resident and immigrant arts organisations is tied to social welfare provision with the emphasis on social integration programmes. Arts activity therefore tends to be underfunded.

Europe is transforming and redefining its cultural profile and identity. It is important that this new dawn reflects the broad range of dynamic cultures and traditions. There is an urgent need to reformulate the Euro-centric paradigms of current debates and to integrate the '13th state'. This calls, in the first instance, for general and targeted research and, secondly, for positive policy initiatives to bring to European mainstream attention the cultures of twenty million or so of its citizens.

Kwesi Owusu is a writer, researcher and film maker. He is the author of ***Black Arts in Britain*** (Comedia, 1986), ***Behind the Masquerade*** (Arts Media Group, 1988) and ***Storms of the Heart*** (Camden, 1988). He is currently working on a book on Europe.

The Single Market and the European Dimension: A Basic Bibliography

•The Institutions & Their Powers

The Cultural Obligations of Broadcasting

Haydn Shaughnessy & Carmen Fuente Cobo,

European Institute for the Media, Manchester, in association with the Council of Europe, 1990; ISBN 0948195 21 5; 212 pages;

- Survey of the legislation covering the cultural obligations of national and trans-national broadcasting organisations throughout Europe.

Culture and Community Law - Before and after Maastricht

Annemarie Loman, Kamiel Mortelmans, Harry Post and **Stewart Watson**

Kluwer Law & Taxation Publishers, PO Box 23, 7400 GA, Deventer, Netherlands 1992; ISBN 90 6544 6389; 258 pages;

- Legal analysis of the implications of EC legislation and policy on the cultural sector, with particular emphasis on state aids and competition.

The European Commission and the Administration of the Community

Richard Hay

Commission of the European Communities, Luxembourg; 1989; ISBN 92 825 9907 8; 63pp

- Introduction to the EC and its institutions.

Vachers European Companion and Consultants Register

Vachers, Berkhamsted, Hertfordshire, quarterly; ISSN 0958 0336

- Directory of EC institutions including Commission departments, MEPS, inter-governmental agencies, national governments, consultants etc.

Who Does What in Europe?

Rod Fisher

Arts Council of Great Britain, London, revised edition 1992; ISBN 07287 0630 X; 132 pp.

- Introduction to the cultural role and policies of the European Community, Council of Europe, UNESCO, European Cultural Foundation and other inter-governmental or supra-national institutions and the scope they provide as sources of finance for culture. It includes an extensive bibliography.

•Touring & Exchange

British Association of Concert Agents International Guide

Jane Moss, David Sigall, Joeske Van Walsum (eds)

BACA, 41a Lonsdale Road, London W11 2BY; London; 1987;

- Introduction to visa requirements, currency controls, tax regulations, TV and radio fees, residual payments in several European countries, plus the USA, Australia and Japan. Now needs updating.

British Drama and Dance on Tour

The British Council, Arts Division, Portland Place, London W1 4EJ

- Newsletter published three times a year on the work of British drama and dance companies.

Britons Abroad - Arts and International Exchange

Neil Wallace (ed)

Southern Arts (Winchester), South East Arts (Tunbridge Wells) and South West Arts (Exeter), 1991; ISBN 0 9501228 6 6; 35 pages

- Thirteen articles by guest contributors about cultural exchange, attitudes, opportunities and pitfalls.

On the Road - The Start up Guide to Touring the Arts in Europe

(Incorporating *Briefing Notes on the Administration and Support of Culture in Europe*)

compiled by **Ruth Aldridge** with **Rod Fisher**

Arts Council of Great Britain, London; to be published Summer 1993

- Basic information on work permits, customs, tax, freight, insurance, promotion etc, with advice from those with experience of touring the performed and fine arts in Europe and information on the organisational structures for support and key contacts in almost 30 countries.

Points East Conference Papers/Points East Conference Data

New Beginnings/Third Eye Centre, available from Dominic d'Angelo, 271 Sauchiehall Street, Glasgow G2 3HQ; 1991;

Conference Report (128 pages), Conference Data (64 pages)

- Report of a conference which addressed the implications for the arts and cultural exchange as a result of the political and economic changes within Central and Eastern Europe. Contact addresses and biographies are available separately in the Conference Data.

A Survey of Published Materials on Overseas Arts

Visiting Arts, 11 Portland Place, London W1 4EJ, 1992, 42 pages

- Directory of basic published information on the arts in European countries and beyond, especially aimed at UK arts promoters considering projects overseas for the first time.

•Funding

Bread & Circuses - EC Programmes and Schemes Open to the Performing Arts

Louise Scott

Informal European Theatre Meeting, Brussels (available in the UK via the International Affairs Unit, Arts Council of Great Britain, London); 1992; 101 pages

- Guide to sources of aid - some obvious, some far less so - from the European Community.

Business Support for the Arts

Arthur Anderson guide for CEREC, c/o ABSA, Nutmeg House, 60 Gainsford Street, London SE1 2NY; 1992; 62 pages

- Indicates tax treatment of sponsorship in 17 European nations.

Financing of Audiovisual Production in Europe

Eureka Audiovisuel, Av des Arts 44, 1040 Brussels, 1992; 76 pages + appendices

- European, EC and national support schemes for the audiovisual sector.

MEDIA Guide for the Audiovisual Industry

Commission for the European Communities, Directorate General for Audiovisual, Information, Communication and Culture, Brussels

- Regularly updated guide to the EC's MEDIA programme.

Tax and Giving in the European Community

Derek ALLEN

Directory of Social Change in association with the Europhil Trust, available from DSC, Radius Works, Back Lane, London NW3 1HL, 1992 Edition; ISBN 1 873860 06 4; 30 pages.

Who Does What in Europe?

see entry under 'The Institutions & Their Powers'

•The Implications of the Single Market

Arts Without Frontiers: Seminar and Plenary reports

Arts Council of Great Britain, London, 1991

- Reports from the 26 seminars and 5 plenary sessions held at the 'Arts Without Frontiers' Conference in Glasgow 1990.

The Audiovisual Media in the Single European Market

Commission of the European Communities, Luxembourg, 1988; ISBN 92 825 8403 8; 55 pages

- Introduction to the audiovisual sector and its implications for 1993 and the development of EC policies.

Audiovisual Production in the Single Market

Matteo Maggiore

Commission of the European Communities, Brussels/Luxembourg, 1991

- Guide to various audiovisual issues including internationalism, deregulation, programmes, public service broadcasting and high definition television.

Europe Without Frontiers - Completing the Internal Market

Commission of the European Communities, Luxembourg, 1987; ISBN 92 825 7390 7; 60 pages

- Introduction to the aims and implications of the creation of the Single Market.

1992: The European Social Dimension

Patrick Venturini

Commission of the European Communities, Luxembourg, 1989; ISBN 92 825 8703 7; 119 pages

- Introduction to the potential interaction of the Single Market in the areas of employment, mobility, working conditions, economic and social considerations.

1992: Prayer or Promise?

Kenneth Hudson

HMSO, London; 1990; ISBN 0 11 290504 8; 79 pages

- A survey of the legal, commercial and professional implications of the Single Market, with particular reference to the career of the museum professional. An appendix provides a brief introduction to the organisation and financing of museums in EC states.

•Employment & Training

Professional Managers for the Arts and Culture - Training of Cultural Administrators and Arts Managers in Europe: Trends and Perspectives

Ritva Mitchell and **Rod Fisher**

Arts Council of Finland, Helsinki, in conjunction with CIRCLE and the Council of Europe (available in the UK from the International Affairs Unit at the Arts Council of Great Britain) 1992; ISBN 951 41 6037 9; 202 pages

- Survey of the development of arts management training in fifteen countries. The appendix provides a directory of training institutions and courses.

Across Europe - The artists personal guide to travel and work

David Butler (ed)

Artist Newsletter Publications, PO Box 23, Sunderland SR4 6DG, 1992; ISBN 0 9077 30 15 9; 170 pages

- A series of articles by artists relating their experience of working in different European countries, together with comments from artists of those countries.

European Management guides

Vol 2: Terms and Conditions of Employment

Income Data Services and Institute of Personnel Management, IPM House, 35 Camp Road, London SW19 4UX, 1991; ISBN 0 852 92 452 6; 208 pages

- Reference guide with a chapter on each EC state's regulations governing contracts of employment, workplace rights, time-off, equal treatment, work environment, pensions and termination of contracts.

Freedom of Movement in the Community - Entry and Residence

Jean-Claude Seche

Commission of the European Communities, Luxembourg, 1989; ISBN 92 825 8660 X; 69 pages

- Introduction to the rights to live and work in EC states with particular

reference to non-community nationals.

A Guide to Working in a Europe without Frontiers

Jean-Claude Seche

Commission of the European Communities, Luxembourg, 1989; ISBN 92 82 8067 9; 253 pages;

- An introduction to the right to employment in another EC country with an indication of Community directives in force or in prospect to ensure these rights. A major part of this publication is devoted to the exercise of specific (non-arts) professions in the Community.

Social Europe - First Report of the Application of the Community Charter of the Fundamental Social Rights of Workers

Commission of the European Communities, Brussels 1992; ISBN 0255 0776; 205 pages

- Information on the application of workers rights in different EC countries.

An Introductory Guide to Travel Opportunities for Black Arts Practitioners

Susan Okokon

Arts Council of Great Britain, London, 1991; 71 pages

- Introduction to bursaries and other sources of funds available for Black (and other) arts practitioners wishing to travel, work or study overseas. It covers 28 countries in Europe and beyond.

Kein Angst, Baby

Dorothy Maddison and **Gail Sullivan**

Rhinegold Publishing, London; 1991; ISBN 0946 890404; 175 pages;

- A basic guide for aspiring young opera singers wishing to work in Germany.

Travelling, Selling and Working in the EC

Emma Lister

Artists Newsletter Publications Fact Pack, AN Publications, PO Box 23, Sunderland SR4 6DG; 1992; 8 pages

- Current regulations, sources of funding and lists of contacts.

•Arts Contacts in Europe

Agenda of Audio-Visual Festivals in Europe

Edimedia, 18 place Flagey, 1050 Brussels (UK availability from 21st Century Publishing, 531-533 Kings Road, London SW10 OTZ)

- Guide in French/English to film and TV festivals, trade fairs and markets.

Art Diary International

Giancarlo Politi Distribution, PO Box 36, 06032 Borgo Trevi (PG), Italy

- Annual guide to artists, galleries, museums, collections, archives, agencies, auction houses, art fairs, publishers, etc internationally.

Art World

Art World Media, Via Teulie 1, 20136 Milano, Italy

- Monthly guide to major exhibitions in Europe and the Americas.

Arts Networking in Europe

Compiled by Rod Fisher with **Ruth Aldridge** and **Isabelle Schwarz**

Arts Council of Great Britain, London, 1992; ISBN 0 7287 0640 7; 100 pages;

- Directory of information and contact addresses etc for some 130 cultural networks in Europe.

Ballett International Zeitgeist

Ballett International, Postbox 250 126, Kartausergasse 36, 5000 Köln 1, Germany

- Annual guide in English/French/German to the dance scene with features and listing of major ballet companies, personnel and schools worldwide.

BFI Film and Television Handbook

British Film Institute, 21 Stephen Street, London W1

- Annual guide to the UK film, TV and video industry with a directory that

includes international audiovisual festivals, organisations and publications.

Europe: A Manual

The Princes Trust, London; available from Central Books, 99 Wallis Road, London E9 5LN; 143 pages; 1992; 143pp

- Contacts and information of particular interest to the young artist, student etc.

European Multimedia Yearbook 1993

Interactive Media Publications, 1992; ISBN 1 987603 02 9

- Annual guide to multimedia products and companies.

European Municipal Directory 1993

European Directories, 40 Craven Street, London WC2N 5NG; ISBN 0 9517520 1 4; 964 pages;

- Annual directory listing contact addresses etc of more than 11,000 local authorities in the EC.

European Photography Guide 4

ed. Daniel Mooney

European Photography, PO Box 3043, 3400 Gottingen, Germany; 1991;

- Source book of contacts listing galleries, museums, magazines, publishers associations, schools etc.

European Television Directory 1991

NTC Publications, 22-24 Bell Street, Henley on Thames, Oxfordshire; 1990;

- Detailed facts and figures on television channels across Europe.

Guide of Cultural Centres in Europe (sic)

Andre Rollier

Council of Europe, Strasbourg, France; 1990; ISBN 92 87118809; 279 pages

- Basic information and technical details in French/English of approximately 100 very different cultural centres, ranging from the Barbican and Centre

Pompidou to tiny heritage centres.

Le Guide Goliath: Guide des arts de la rue

Lieux Publics, 16 rue Condorcet, 13016 Marseille, France

- Annual directory of street theatre and site specific groups and events in Europe.

Handbook of Cultural Affairs in Europe 2

CIRCLE Network;

Nomos Verlagsgesellschaft, Baden Baden, Germany

First edition 1985; *new edition mid 1993* (further information from the International Affairs Manager at the Arts Council of Great Britain)

- Guide in German, English or French to the organisational structures, key cultural organisations and sources of information in the cultural sector in Member States that have signed the European Cultural Convention of the Council of Europe.

International Directory of Arts 1991/92

Verlag Mutter GMBH, Münchenerstrasse 45, 600 Frankfurt am Main 1, Germany (UK Distributor: Hilmarton Manor Press, Calne, Wiltshire SN11 8SB); ISBN 3 921529 32 8

- Two volume guide, published bi-annually in German/French/English/Italian, listing museums, galleries, arts schools, art publishers, art libraries, major artists, auctioneers etc throughout the world.

International Festival Guide

ed Daniele Stern, Sylvie Viaut, Caroline Derycke

European Network of Information Centres for the Performing Arts, c/o Vlaams Theater Instituut, Anspachlaan 141-143, 1000 Brussels; 1991; 265 pages

- New guide in English/French listing contact addresses and basic information on c500 theatre and dance festivals.

Making Connections: the craftspersons guide to Europe

Judith Staines

South West Arts, Exeter; Autumn 1991; ISBN 0 9506991 9 5; 69 pages

- Information and contact guide for craftspeople seeking to network or market their crafts in Europe.

Performing Arts Yearbook for Europe 1993

Martin Huber (ed)

Arts Publishing International, 4 Assam Street, London E1 7QS; 1992; 472 pages

- Annual contact guide to theatre, dance and opera companies, orchestras, festivals, venues, promoters, agents, ministries of culture etc throughout Europe. More than 10,000 entries.

Universal Spectacle International Production Directory

43 Blvd Vauban, 78182, Quentin en Yvelines, Nr Paris, France; 1991

- Two volume French/English contacts directory for the entertainment business in the 12 EC nations, listing performers, agents, casting directors, production companies, venues, festivals, unions, training schools (not to be confused with the **Annuaire du Spectacle** of French performers, agents etc from the same publishers).

Treaty of Maastricht

TITLE IX

Culture

ARTICLE 128

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bring the common cultural heritage to the fore.

2. Action by the Community shall be aimed at encouraging co-operation between Member States and, if necessary, supporting and supplementing their action in the following areas:
   - improvement of the knowledge and dissemination of the culture and history of the European peoples;
   - conservation and safeguarding of cultural heritage of European significance;
   - non-commercial cultural exchanges;
   - artistic and literary creation, including in the audiovisual sector.

3. The Community and the Member States shall foster co-operation with third countries and the competent international organizations in the sphere of culture, in particular the Council of Europe.

4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty.

5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:
   - acting in accordance with the procedure referred to in Article 189b and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonization of the laws and regulations of the Member States. The Council shall act unanimously throughout the

procedures referred to in Article 189b;

- acting unanimously on a proposal from the Commission, shall adopt recommendations

Annex B

Treaty of Maastricht

TITLE V

Common rules on competition, taxation

and approximation of laws

In Article 92(3):*

- the following point shall be inserted:
  "(d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest".
- the present point (d) shall become (e).

Article 94 shall be replaced by the following:

"ARTICLE 94

The Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, may make any appropriate regulations for the application of Articles 92 and 93 and may in particular determine the conditions in which Article 93(3) shall apply and the categories of aid exempted from this procedure"

(* of the Treaty of Rome)

PLACE OF SUPPLY RULES FOR PERFORMERS AND THEIR AGENTS

PREPARED BY TOUCHE ROSS & Co

A summary of the general VAT rules affecting concerts and cultural events in the EC Member States.

	Belgium	Denmark	France	Germany	Greece	Ireland	Italy	Luxembourg	Netherlands	Portugal	Spain	United Kingdom
1. Registration												
Performer	Yes	Yes	Yes	Yes(1)	Yes(1)	Yes	Yes(1)	Yes	Yes(1)	Yes(1)	Yes(1)	Yes
Artists Agent	Yes	Yes	Yes	Yes(1)	Yes(1)	Yes	Yes(1)	Yes	Yes(1)	Yes(1)	Yes(1)	Yes
Concert Organiser	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. Turnover Limit (Sterling)	Nil	DK10,000 (£1,000)	Nil	DM25,000 (£10,000)	DR250,000 (£800)	Nil	Nil	LFrs400,000 (£6,800)	DFL2172 (£700)	ESC500,000 (£2,000)	Nil	£37,600
3. Rate of VAT												
Performer	19.5%	25%	5.5%	7%	18%	21%	19%	Exempt (2)	18.5%(3)	Exempt (2)	6%	17.5%
Artists Agent	19.5%	25%	5.5%	7%	18%	21%	19%	Exempt (2)	18.5%(3)	Exempt (2)	6%	17.5%
Concert Organiser	6%	25%	2.1%	7%	18%	Exempt	19%	Exempt (2)	18.5%(3)	Exempt (2)	15%	17.5%
4. Is it necessary to have an establishment in the Member State?	No	No	No	No	No	No	No	No	No	No	No	No
5. VAT Shift facility from the performer to the recipient if there is no establishment.												
On a one-off basis	Yes(4)	Yes(4)	Yes	Yes	Yes	No(5)	Yes	No	Yes	Yes	Yes	No(5)
On an ongoing basis	No	Yes(4)	Yes	Yes	Yes	No(5)	Yes	No	Yes	Yes	Yes	No(5)
6. Is a tax representative necessary (if no VAT shift facility is available and there is no establishment?)	Yes	Yes	Yes	No	Yes	No	No	Yes	No	No(6)	No(6)	No(7)
7. Will Deloitte Touche Tohmatsu International act as a tax rep or can they recommend a firm?	Yes	No	Yes	N/A	Yes	No	Yes	Yes	Yes	Yes	Yes	No

Notes:- (1) The supplier only has to register if it has an establishment in the Member State which includes having an agent there.

(2) Exemption exists subject to local regulations.

(3) Exemption exists for specified cultural services.

(4) Overseas performers normally have their VAT liability shifted to the recipient.

(5) A non-resident business can register at its address outside the Member State and does not have to appoint a tax representative.

(6) If a tax representative is appointed, it will have a joint liability for the supplier's tax.

(7) The appointment of a tax representative is optional.

This table has been prepared on the basis of the information available at May 1993 and is subject to change.

Annex C

COPYRIGHT LAW IN EC COUNTRIES*

Country	Duration of copyright Authors/ composers**	Duration of copyright Phonogram producers	Rental prohibition	Blank Tape Levy	Berne Convention signatory	Rome Convention signatory
Belgium (P)	50	-	(IM)	(IM)	Yes	No
Denmark	50	50***	-	Yes	Yes	Yes
France	60-70	25	-	Yes	Yes	Yes
Germany	70	25	Yes	Yes	Yes	Yes
Greece	50	-	-	-	Yes	No
Ireland	50	50	-	-	Yes	Yes
Italy	50	30	-	(IM)	Yes	Yes
Luxembourg	50	-	-	-	Yes	Yes

Netherlands	50	-	(IM)	(IM)	Yes	No
Portugal	50	50	-	-	Yes	No
Spain	60	40	-	-	Yes	No
UK	50	50	Yes	-	Yes	Yes

* As at October 1992 and concentrating especially on the performing arts

** Life plus years post mortem

*** Recordings from 1960 only

(P) Belgian legislation proposed

(IM) Imminent