



**2020/2261(INI)**

30.4.2021

# **DRAFT REPORT**

on the situation of artists and the cultural recovery in the EU  
(2020/2261(INI))

Committee on Culture and Education

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the situation of artists and the cultural recovery in the EU (2020/2261(INI))

*The European Parliament,*

- having regard to the UNESCO Recommendation concerning the Status of the Artist,
- having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to the Commission communication of 22 May 2018 entitled ‘Building a Stronger Europe: the role of youth, education and culture policies’ (COM(2018)0268),
- having regard to the Commission communication of 22 May 2018 entitled ‘A New European Agenda for Culture’ (COM(2018)0267),
- having regard to the Council conclusions of 15 November 2018 on the Work Plan for Culture 2019-2022<sup>1</sup>,
- having regard to its resolution of 13 December 2016 on a coherent EU policy for cultural and creative industries<sup>2</sup>,
- having regard to its resolution of 7 June 2007 on the social status of artists<sup>3</sup>,
- having regard to its resolution of 17 September 2020 on the cultural recovery of Europe<sup>4</sup>,
- having regard to Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC<sup>5</sup>,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)<sup>6</sup>,
- having regard to Regulation No XXXX/XXXX of the European Parliament and of the Council establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013,
- having regard to Regulation (EU) 2021/523 of the European Parliament and of the

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<sup>1</sup> [OJ C 460, 21.12.2018, p. 12.](#)

<sup>2</sup> [OJ C 238, 6.7.2018, p. 28.](#)

<sup>3</sup> [OJ C 125 E, 22.5.2008, p. 223.](#)

<sup>4</sup> Text adopted, P9\_TA(2020)0239.

<sup>5</sup> [OJ L 130, 17.5.2019, p. 92.](#)

<sup>6</sup> [OJ L 95, 15.4.2010, p. 1.](#)

Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017<sup>7</sup>,

- having regard to the conclusions of the German Presidency of the Council of 20 November 2020 on gender equality in the field of culture,
  - having regard to the European Pillar of Social Rights,
  - having regard to the report by the Open Method of Coordination (OMC) Working Group of Member States' Experts of 22 March 2018 on the role of public policies in developing entrepreneurial and innovation potential of the cultural and creative sectors,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education (A9-0000/2021),
- A. whereas in its resolution of September 2020 on the cultural recovery of Europe, Parliament underlined the need to improve the working conditions of cultural and creative workers and urged the Commission to establish a European framework for working conditions in the cultural and creative sectors and industries (CCSI);
- B. whereas the CCSI mainly comprise small and medium-sized enterprises (SMEs) and self-employed entrepreneurs, who often draw on irregular and mixed incomes from different sources;
- C. whereas the containment measures taken by the Member States affected the CCSI more than any other sector; whereas the CCSI experienced losses in turnover of over 30 % for 2020 – a cumulative loss of EUR 199 billion – with the music and performing arts sectors experiencing losses of 75 % and 90 % respectively<sup>8</sup>;
- D. whereas culture is an ecosystem that not only generates high economic value (representing 4.4 % of EU GDP in terms of total turnover and employing around 7.6 million people), but also has a substantial social impact, contributing to democratic, sustainable, free and inclusive societies and reflecting and strengthening our European diversity, values, history, freedoms and way of life;
- E. whereas the development of the European framework for working conditions in the CCSI will require coordination with EU policies on competition, the internal market, social policy, fundamental rights and equality, and copyright;
- F. whereas since Parliament's call for improvements to the situation of artists in its resolution of June 2007, no progress has been made and most of its demands remain valid;
- G. whereas the COVID-19 crisis has made artists and cultural and creative professionals even more vulnerable, as the loss of earnings for non-standard workers, who make up the majority of the CCSI, has been exacerbated by weak or absent national social security schemes and dedicated support measures;

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<sup>7</sup> [OJL 107, 26.3.2021, p. 30.](#)

<sup>8</sup> Ernst & Young, *Rebuilding Europe: The cultural and creative economy before and after the COVID-19 crisis*, January 2021.

- H. whereas the ongoing impact of the pandemic has made it impossible for cultural and creative workers to carry out their jobs and generated uncertainty over future prospects that could cause professionals to leave the sector, which will have a long-lasting effect on the composition of the European CCSI as a whole and discourage young people from working in these industries;
- I. whereas the Member States enacted substantial emergency measures to help the CCSI to survive the crisis; whereas, however, this support was not available to some artists on account of their particular working status and was not sufficient to ensure sustainable working conditions;
- J. whereas the Council's Work Plan for Culture for 2019-2022 makes it a priority to establish an ecosystem supporting artists and cultural and creative professionals and recognises the need for joint action in this field;
- K. whereas several Member States have specific legislation in place providing a special status for artists to guarantee them access to social benefits; whereas, however, this legislation varies considerably between the Member States, which can hinder the mutual recognition of the status of artists and cross-border collaboration and mobility;
- L. whereas artists tend to have atypical work patterns and often lack proper social security protection, notably in cross-border contexts, which often leads to their exclusion from pension and unemployment payments;
- M. whereas artists' remuneration often comes from different sources such as contracts, royalties, grants and subsidies, which renders their income highly unpredictable, leaves them in precarious situations and weakens their resilience;
- N. whereas the lack of collective bargaining for self-employed artists further serves to undermine their position on the labour market and leads to a lack of adequate social protections;
- O. whereas cross-border mobility is an essential part of an artist's work but is often hampered by bureaucratic procedures, a lack of clear information and myriad administrative rules and requirements across the Member States, notably as regards social protection and taxation;
- P. whereas public grants are considered the most effective form of financial support for the CCSI, but are often difficult to access;
- Q. whereas the COVID-19 pandemic has highlighted artists' dependence on short-term financial support;
- R. whereas access to finance remains the main challenge for individual artists, who are often ineligible for loans and bank guarantees and are highly dependent on public grants and subsidies;
- S. whereas private investors have scaled back their financial support for cultural projects during the crisis;
- T. whereas freedom of expression and freedom of the arts, as enshrined in the EU Charter

of Fundamental Rights, are sometimes hindered by the use of antiterrorism legislation or allegations that artistic works insult religious feelings or national symbols;

1. Urges the Commission and the Member States to recognise the fundamental role of culture for society, the well-being of EU citizens and the economy, and to translate this recognition into financial and structural support;
2. Calls on the Member States and the Commission to recognise the European added value of cross-border cooperation and to eliminate barriers to cross-border mobility in the EU;
3. Calls on the Commission and the Member States to provide workers in the CCSI with clear information and guidelines on mobility opportunities and administrative requirements in all Member States, including on visas, taxation, social security and access to training;
4. Welcomes the establishment of mobility information points to provide assistance to artists and recommends that all Member States establish one;
5. Calls on the Member States to transpose Directive (EU) 2019/790 on copyright in the digital single market and, in particular, to guarantee fair remuneration for authors and performers;
6. Welcomes the Commission's inception impact assessment and ongoing public consultation on collective bargaining agreements, which is designed to define the scope of application of EU competition rules in order to remove obstacles and improve working conditions through collective bargaining on behalf of solo self-employed workers in the CCSI;
7. Underlines the urgent need to improve the working conditions in the CCSI; encourages the Member States to utilise upward convergence to establish minimum standards for artists and cultural workers in relation to working conditions and social security;
8. Recommends the creation of a European framework for working conditions in the CCSI; welcomes, in this regard, the forthcoming OMC discussions between the Member States on the status of artists;
9. Calls for greater cross-border portability and recognition of cultural and creative skills, qualifications and diplomas in order to facilitate mobility for cultural and creative players;
10. Urges the Member States to fulfil their obligation to defend and respect artistic freedom in order to uphold the fundamental right to freedom of expression and ensure that EU citizens can freely enjoy and consume artistic creations;
11. Calls on the Member States to reconsider access to basic social protection for artists, regardless of their employment status;
12. Calls on the Member States to encourage and promote private investment in the CCSI;
13. Calls on the Commission and the Member States to facilitate access to public grants and loans by reducing administrative burdens at all stages of the application and reporting

processes;

14. Reiterates its call on the Commission and the Member States to include culture in the national recovery and resilience plans and to earmark at least 2 % of the budget envelope of the Recovery and Resilience Facility to culture;
15. Calls on the Commission and the Member States to support the short-term recovery of the CCSI and to bolster the resilience and competitiveness of these industries in the long term in order to tackle any major crises as effectively as possible in the future;
16. Instructs its President to forward this resolution to the Council and the Commission.

## EXPLANATORY STATEMENT

The COVID-19 pandemic has emphasised and exacerbated the problematic working conditions for many active in the Cultural and Creative Sectors and Industries. While European countries are deploying unprecedented emergency responses to address the challenges facing the public health and social security systems across the European Union, many artists and workers in the CCSI are struggling. It may take decades to recover from this loss for the European cultural industry.

**COVID-19 has already had a dramatic effect on the cultural and creative sectors, due to cancellation of engagements and performances, closing of venues, exhibitions and festivals is resulting in catastrophic economic, social, cultural and human consequences. Cultural and creative sector professionals are often already in a precarious situation, and with the additional circumstances related to COVID-19, many are left without any regular sources of income.** Some spend the majority of their careers within the same structure or collaboration, while many others operate in a number of different environments through freelance or other precarious statuses, often without even an indexation of their pay adjusting for inflation **or inadequate or no payment at all.**

Many artists and cultural professionals have a secondary job in either an arts- or non-arts-related field, motivated either by artistic interest, or by financial necessity, which provides access to a certain degree of social security. Due to the challenges many face during the pandemic, some may decide to quit the sector altogether, especially artists and cultural professionals from migrant or other difficult socio-economic backgrounds. One of the biggest challenges for such artists is to ensure that there is enough time to devote to their art or creative endeavours. This makes it especially difficult to combine family life and career, since it leads to uncertain hours, rapidly changing work environments and insecurity of income. **Many artists and cultural professionals have encountered those challenges, especially the self-employed, for whom it is often difficult to take maternity or parental leave and to organise childcare due to uncertain and often irregular working hours.**

**Gender equality in CCSI is another aspect that should be emphasised more. While there are many women working in the sector, there are very few women in decision making positions.** Furthermore, it is difficult for people with disabilities to work in many sectors of the CCSI. A proper, adapted implementation of the UNCRPD tailor-made for the specific sectors may help to make the CCSI more inclusive.

Small and medium-sized enterprises (SMEs) (enterprises with less than 250 persons employed) dominate the vast majority of cultural activities within the EU-27, while large enterprises (with 250 or more persons employed) are predominantly active in programming and broadcasting activities. Furthermore, the CCSI is made up of a large number of freelancers and temporary and intermittent workers. It is on these non-standard workers that many small enterprises in the sector rely to execute cultural and creative activities.

Artists and creative professionals tend to get involved in cross-border mobility, which is often a central component of the professional trajectory of their careers. Mobility patterns can be unpredictable and very often depend on the type of projects and opportunities that are available to an artist or creative professional. Increasingly, there is a shift away from the



standard model of employment to more insecure forms of work.

To remedy this issue, this report calls for better cooperation and coordination among Member States to provide information for artists working cross border, **especially to avoid alleviate bureaucratic burdens and avoid double taxation**. It also asks to explore possibilities of mutual recognition and even a European framework governing the status of artists to ensure that artists can benefit from their rights derived from their status as an artist throughout the entire Union. **Artists should be able to harness the advantages of the single market and freedom of movement within the European Union as much as any other worker.**

Access to finance and entrepreneurial skills are essential for artists. While many have the talent, they lack the skills to translate their ideas into a financial success, and often also lack the financing, especially through the private sector. Artists should also **have access to training in** entrepreneurial skills, which will help to translate their creativity and ideas into a reliable source of income.

Freedom of artistic expression is a key component of European culture. There is growing concern that the universality of human rights is currently under attack from governments, political ideologies and some non-state actors around the world and in Europe. **There have been restrictions to artistic expression relating** to religious values overriding artistic freedom, insult to the state and its symbols, undue government influence on museums and arts institutions. Artists from the **LGBTIQ+** community are targeted as well as challenges for women and minorities remain a danger in undermining Europe's cultural diversity.