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REPORT

with recommendations to the Commission on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors
(2023/2051(INL))

Committee on Employment and Social Affairs
Committee on Culture and Education

(Joint committee procedure – Rule 58 of the Rules of Procedure)

Rapporteurs: Antonius Manders, Domènec Ruiz Devesa

(Initiative – Rule 47 of the Rules of Procedure)

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
ANNEX TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSALS REQUESTED ..	27
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEURS HAVE RECEIVED INPUT	30
INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE.....	32
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	33

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

with recommendations to the Commission on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors (2023/2051(INL))

The European Parliament,

- having regard to Articles 6, 46, 151, 153, 157, 165, 167 and 225 of the Treaty on the Functioning of the European Union,
- having regard to Articles 11, 12, 13, 15, 27, 28, 30 and 31 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Pillar of Social Rights and its Action Plan,
- having regard to the UNESCO Recommendation concerning the Status of the Artist of 27 October 1980, the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the Declaration adopted during the UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT 2022),
- having regard to the relevant ILO Conventions and Recommendations,
- having regard to the European Council's Stuttgart Declaration of 19 June 1983,
- having regard to the Rome Declaration of 25 March 2017, endorsed by the leaders of 27 Member States and of the European Council, the European Parliament and the European Commission,
- having regard to the Rome Declaration of the G20 Ministers of Culture of 30 July 2021,
- having regard to the Cáceres Declaration¹ adopted at the informal meeting of EU Ministers of Culture on 25-26 September 2023,
- having regard to the judgment of the Court of Justice of 30 March 2000 in Case C-178/97²,
- having regard to relevant Union legal acts in the area of labour and social policy, such as Directive 2018/957 amending Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services³, Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems⁴, Directive 2003/88/EC of the European Parliament and of the Council of 4 November

¹ <https://spanish-presidency.consilium.europa.eu/media/keantfog/c%3%A1ceres-declaration.pdf>

² Judgment of the Court of Justice of 30 March 2000, *Barry Banks and Others v Theatre royal de la Monnaie*, Case C-178/97, ECLI:EU:T:1998:90.

³ OJ L 18, 21.1.1997, p. 1.

⁴ OJ L 166, 30.4.2004, p. 1.

2003 concerning certain aspects of the organisation of working time⁵, Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union⁶, and Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union⁷,

- having regard to relevant Union legal acts in the field of equal treatment, such as Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 concerning equal treatment for men and women in employment and occupation⁸, which includes social security schemes, Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC⁹, Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms¹⁰ and Directive (EU) 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measures (Women on Boards),
- having regard to Directive 2019/11598 on Work life balance for parents and carers,
- 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)¹¹,
- 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 Market¹² and of Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes,
- having regard to Decision (EU) 2017/864 of the European Parliament and of the Council of 17 May 2017 on a European Year of Cultural Heritage (2018)¹³,
- having regard to the Commission communication of 22 May 2018 entitled ‘A New European Agenda for Culture’ (COM(2018)0267),
- having regard to the Commission communication of 22 May 2018 entitled ‘Building a

⁵ OJ L 299, 18.11.2003, p. 9.

⁶ OJ L 186, 11.7.2019, p. 105.

⁷ OJ L 275, 25.10.2022, p. 33.

⁸ OJ L 204, 26.7.2006, p. 23.

⁹ OJ L 180, 15.7.2010, p. 1.

¹⁰ OJ L 132, 17.5.2023, p. 21.

¹¹ OJ L 131, 20.5.2017, p. 1.

¹² OJ L 130, 17.5.2019, p. 92.

¹³ OJ L 131, 20.5.2017, p. 1.

- Stronger Europe: the role of youth, education and culture policies’ (COM(2018)0268),
- having regard to the Commission communication of 30 September 2020 entitled ‘Digital Education Action Plan 2021-2027: Resetting education and training for the digital age’ (COM(2020)0624),
 - having regard to the Commission communication of 3 December 2020 entitled ‘Europe’s Media in the Digital Decade: An Action Plan to Support Recovery and Transformation’ (COM (2020)0784 final),
 - having regard to the European Social Partners Framework Agreements on Telework (2002) and Digitalisation (2020),
 - having regard to Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027)¹⁴,
 - having regard to Regulation (EU) 2021/1057 of the European Parliament and of the Council of 24 June 2021 establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013¹⁵,
 - having regard to Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility¹⁶,
 - having regard to Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017¹⁷,
 - having regard to the Commission communication of 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102),
 - having regard to the Commission report of 29 June 2022 on the Work Plan for Culture 2019-2022 (COM(2022)0317),
 - having regard to the Commission communication of 30 September 2022 entitled ‘Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons’ (2022/C 374/02),
 - having regard to the Commission communication of 25 January 2023 entitled ‘Strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions’ (COM(2023) 40 final),
 - having regard to the Commission communication of 6 September 2023 entitled ‘Digitalisation in social security coordination: facilitating free movement in the Single Market’ (COM(2023)501 final),

¹⁴ OJ L 189, 28.5.2021, p. 34.

¹⁵ OJ L 231, 30.6.2021, p. 21.

¹⁶ OJ L 57, 18.2.2021, p. 17–75.

¹⁷ OJ L 107, 26.3.2021, p. 30.

- having regard to Decision (EU) 2023/936 of the European Parliament and of the Council of 11 May 2023 on a European Year of Skills¹⁸,
- having regard to the European Commission’s European Media Industry Outlook, published on 17 May 2023 (SWD (2023) 150 final),
- having regard to the European Qualification Framework for lifelong learning,
- having regard to the EU strategic framework on health and safety at work 2021-2027 and the Parliament Report on a new EU strategic framework on health and safety at work post 2020 (including a better protection of workers from exposure to harmful substances, stress at work and repetitive motion injuries) (2021/2165(INI)),
- having regard to the Council recommendation of 22 May 2018 on key competences for lifelong learning (2018/C 189/01),
- having regard to the Council recommendation of 26 November 2018 on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad,
- having regard to the Council recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01),
- having regard to the Council conclusions of 18 May 2021 on the recovery, resilience and sustainability of the cultural and creative sectors,
- having regard to the Council Recommendation of 25 May 2022 on a European approach to micro-credentials for lifelong learning and employability,
- having regard to the Council Recommendation of 16 June 2022 on individual learning accounts,
- having regard to the Council Resolution of 7 December 2022 on the EU Work Plan for Culture 2023-2026 (2022/C 466/01),
- having regard to the Council Recommendation of 30 January 2023 on adequate minimum income ensuring active inclusion,
- having regard to the Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union,
- having regard to its resolutions of 7 June 2007 on the social status of artists (2006/2249(INI)) and of 20 October 2021 on the situation of artists and the cultural recovery in the EU (2020/2261(INI)),
- having regard to its resolution of 13 December 2016 on a coherent EU policy for cultural and creative industries¹⁹,

¹⁸ OJ L 125, 11.5.2023, p. 1.

¹⁹ OJ C 238, 6.7.2018, p. 28.

- having regard to its resolutions of 11 December 2018 on the New European Agenda for Culture (2018/2091(INI)) and of 14 December 2022 on the Implementation of the New European Agenda for Culture and the EU Strategy for International Cultural Relations (2022/2047(INI)),
- having regard to its resolution of 17 September 2020 on the cultural recovery of Europe (2020/2708(RSP)),
- having regard to its resolution of 19 May 2021 on artificial intelligence in education, culture and the audiovisual sector (2020/2017(INI)),
- having regard to its resolution of 24 June 2021 on the Commission’s 2020 Rule of Law Report (2021/2025(INI)),
- having regard to its resolution of 20 October 2021 on Europe’s Media in the Digital Decade: an action plan to support recovery and transformation (2021/2017(INI)),
- having regard to its resolution of 11 November 2021 on an intellectual property action plan to support the EU’s recovery and resilience (2021/2007(INI)),
- having regard to its resolution of 11 November 2021 on the European Education Area: a shared holistic approach (2020/2243(INI)),
- having regard to its resolution of 24 November 2021 on the revision of the Financial Regulation in view of the entry into force of the 2021-2027 multiannual financial framework (2021/2162(INI)) and the BUDG-CONT report, as a mandate confirmed by the plenary on 10 May 2023, on the proposal for a regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (recast) (2022/0162(COD)),
- having regard to its resolution of 25 November 2021 on the introduction of an European Social Security number with a personal labour card (2021/2620(RSP)),
- having regard to its resolution of 15 December 2022 on upscaling the 2021-2027 multiannual financial framework: a resilient EU budget fit for new challenges (2022/2046(INI)),
- having regard to its resolution of 15 March 2023 on the European Semester for economic policy coordination: Employment and social priorities for 2023 (2022/2151(INI)),
- having regard to its resolution of 1 June 2023 on strengthening social dialogue (2023/2536(RSP)),
- having regard to its resolution of 14 June 2023 with recommendations to the Commission on quality traineeships in the Union (2020/2005(INL)),
- having regard to its resolution of 23 November 2021 entitled ‘on EU sports policy: assessment and possible ways forward’ (2021/2058(INI)),

- having regard to the study conducted for the Committee on Employment and Social Affairs and the Committee on Culture and Education by the European Parliamentary Research Service of November 2023 [forthcoming], entitled ‘EU framework for the social and professional situation of artists and workers in the cultural and creative sectors - European added value assessment’ (the ‘EPRS EAVA Study’), and the report of May 2021, commissioned by the European Parliament, entitled ‘The Situation of Artists and Cultural Workers and the post-COVID-19 Cultural Recovery in the European Union: Policy Recommendations’²⁰,
 - having regard to the report by the Open Method of Coordination (OMC) Working Group of Member States’ experts of June 2023 entitled ‘The status and working conditions of artists and cultural and creative professionals’²¹,
 - having regard to the report by the OMC Working Group of Member States’ Experts of 4 June 2021 entitled ‘Towards gender equality in the cultural and creative sectors’,
 - having regard to the Voices of Culture report of June 2021 entitled ‘Status and Working Conditions for Artists, Cultural and Creative Professionals’²²,
 - having regard to the study commissioned by the Commission entitled ‘Status and working conditions of artists and cultural and creative professionals’, European Expert Network on Culture and Audiovisual (EENCA) (2020)²³,
 - having regard to UNESCO’s study entitled ‘Culture and working conditions for artists: implementing the 1980 Recommendation concerning the Status of the Artist’ (2019),
 - having regard to Rules 47 and 54 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Employment and Social Affairs and the Committee on Culture and Education under Rule 58 of the Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the Committee on Culture and Education (A9-0304/2023),
- A. whereas the cultural and creative sectors (‘CCS’) play an essential role in ensuring the delivery of culture as a public good and the cultural rights of European citizens; whereas culture, arts, cultural heritage, and cultural diversity are of great value to European society from a cultural, educational, democratic, environmental, social, human rights, economic and innovation point of view and represent strategic sectors for the European integration process, and should therefore be supported by sufficient funding and ambitious policy frameworks, taking into account synergies with other

²⁰ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/652252/IPOL_BRI\(2021\)652252_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/652252/IPOL_BRI(2021)652252_EN.pdf)

²¹ European Commission, Directorate-General for Education, Youth, Sport and Culture, The status and working conditions of artists and cultural and creative professionals – Report of the OMC (Open Method of Coordination) group of EU Member States’ experts – Final report, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2766/46315>

²² <https://voicesofculture.eu/wp-content/uploads/2021/07/VoC-Brainstorming-Report-Working-Conditions-2.pdf>

²³ <https://ec.europa.eu/culture/news/study-artists-working-conditions-published>

sectoral policies;

- B. whereas artists, authors, performers and all cultural creators are the creative source of our European culture that our societies and democracies are built upon; whereas cultural and creative expressions and works are often the result of the essential contributions of persons working in the cultural and creative sectors ('CCS professionals') in different functions, roles and capacities, ranging from creating works to technical and project management support including programming, research and curatorial activities, communication and audience development, among others; whereas the existence of such expressions and works depends, thus, on whether all CCS professionals receive adequate recognition and support;
- C. whereas artistic activities can be pursued as an amateur or as a professional, increasing competition in an already highly competitive environment; whereas the legal distinction between them is not always clearly established and can differ in national legislations and national practices; whereas there is a need to develop comprehensive policies to ensure that CCS professionals can live of their practice;
- D. whereas 7.7 million people were in cultural employment across the Member States in 2022, amounting to 3.8% of total employment²⁴; whereas the relevant economic impact of the CCS, representing 4.2 % of EU GDP and 1.0 % of all general government expenditure²⁵, also acts as a sustainable growth enabler in different sectors and for local and regional development;
- E. whereas, regardless of their role or status as a worker or self-employed person, the living and working conditions of CCS professionals can be characterised by precariousness, instability and the intermittent nature of their work, with unpredictable incomes, weaker bargaining power in relations with their contractual counterparts, short-term contracts, weak or no social security coverage, and a lack of access to unemployment support; whereas the extent of social security coverage of CCS professionals varies within and between countries, due to differences in sectors and types of work within the sectors, and may lead to differences in living and working conditions; whereas social and working conditions in the CCS need to be improved drastically, as highlighted by the Rome G20 Leaders Declaration of October 2021²⁶;
- F. whereas the CCS are composed mostly of individuals as well as micro, small and medium sized organisations and enterprises, self-managed organisations and cultural cooperatives; whereas more than double the number of CCS professionals is self-employed than in the general population (32 % compared to 14 %) and CCS professionals are often engaged in forms of employment that deviate from traditional working arrangements and are less likely than the average working person to have a permanent job, to be employed, work full time or have one job, often combining employment and self-employment, including solo self-employment, within the CCS and in other sectors such as services or education; whereas having multiple jobs can

²⁴ Eurostat: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230824-1>

²⁵ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Government_expenditure_on_cultural,_broadcasting_and_publishing_services&oldid=593681

²⁶ <https://www.consilium.europa.eu/media/52730/g20-leaders-declaration-final.pdf>

severely affect work-life balance; whereas CCS professionals tend to have project-based careers and a high degree of mobility;

- G. whereas the absence of a specific employment framework for CCS professionals under national law in some Member States and these atypical working arrangements, often interrupted by or in parallel with significant periods of non-remunerated time spent on artistic research, the creation of works or rehearsing, in combination with irregular incomes, lead to irregular payments and discontinuous contribution periods that severely limit CCS professionals' contributory capacity and effective access to social protection; whereas, as a consequence, their access to relevant benefits, in particular unemployment benefit regimes, benefit levels during retirement, annual and sick leave, family and care leaves, as well as their access to childcare, is often limited; whereas, even when coverage is available on a voluntary basis, self-employed CCS professionals have a low coverage rate; whereas this situation may be aggravated by the incorrect determination of the employment status of CCS professionals;
- H. whereas career progression and career sustainability in the CCS are often dependent on socio-economic characteristics and conditioned by age, gender, ethnic origin, disability and class; whereas mid-career CCS workers, workers with disabilities, workers from minorities, ethnic groups and from working-class backgrounds may face worse job quality conditions; whereas career progress and sustainability in the cultural and creative sectors are challenging and career prospects tend to worsen with age; whereas specifically a higher rate of self-employment is evident for workers of older age in the CCS, putting them at higher risk of precariousness;
- I. whereas CCS professionals have been hit hard by the COVID-19 pandemic, which has exposed their precarious living and working conditions; whereas UNESCO estimated that globally more than 10 million workers in the CCS lost their jobs in 2020²⁷; whereas anti-crisis mechanisms have played a key role during and after the COVID-19 pandemic in tackling the challenges in the CCS; whereas, although the CCS have undergone a significant transition as a result of the pandemic, digitalisation and the green transition, making lifelong learning, reskilling and upskilling essential, the sectors have not fully recovered from losses incurred during the pandemic, with an enduring impact on the livelihoods of the persons working in the sectors; whereas the COVID-19 crisis underlined the fragility of pre-existing organisational structures and working practices, in particular for vulnerable professionals with precarious employment status, such as those working on the basis of atypical or project-based employment contracts;
- J. whereas CCS professionals tend to have low retirement entitlements as a result of the atypical and frequently precarious nature of their work, which can impact the level of contributions or other eligibility criteria required; whereas artists may continue practicing beyond the official retirement age;
- K. whereas a well-functioning sectoral social dialogue, at national and EU level, and high levels of collective bargaining coverage play an essential role in building professional and sustainable sectors by facilitating an inclusive labour market that fosters decent working conditions, including fair and adequate wages; whereas limited levels of

²⁷ UNESCO, Re Shaping Policies for Creativity.

collective bargaining coverage in the cultural and creative sectors²⁸ in several Member States contribute to poor job quality, low wages, unfavourable contracts and limited access to social protection; whereas trade unions face challenges in organising CCS professionals due to intermittent work patterns, changing work places, the combination of professional activities and in view of the higher number of self-employed professionals in the sector; whereas a number of organisations do not participate in collective bargaining, and many occupational groups still remain unrepresented; whereas the new challenges faced by the sectors, such as digitalisation, AI and new skills development, should be reflected in modern and effective collective bargaining systems;

- L. whereas undeclared work undermines human rights and, in particular decent working and living conditions, obstructs sustainable growth oriented policies, creating serious risks for the sustainability of the European social model, and fosters unfair competition; whereas the prevalence of partially or fully undeclared work that excludes professionals from the protection of labour law and social security coverage is an issue of strong concern in the CCS; whereas the European Labour Authority (ELA) plays a crucial role in carrying out concerted and joint inspections in order to improve Member State capabilities for ensuring the protection of persons exercising their right to free movement and for combatting fraud and abuses of a cross-border nature;
- M. whereas the gender pay, pension and care gaps are also present in the CCS; whereas women are in a minority when it comes to holding managerial and leadership positions²⁹; whereas women on average earn less than their male counterparts in the same occupation³⁰ and in types of contracts that can severely affect the work-life balance, including through unconventional and irregular working hours, the need to travel for work and intense networking, as well as the lack of care infrastructure; whereas, as a consequence, women often have comparatively shorter careers, especially in the audiovisual sector;
- N. whereas sexual harassment in the cultural and creative sectors is three times higher³¹ than in the average workforce; whereas women suffer disproportionately from harassment and abuse, also online, as exemplified by the MeToo movement; whereas this could entail the risk of self-censorship, which negatively impacts the type of artistic expressions women produce, curtails their freedom of expression and their career progression; whereas gender-based violence and harassment in the CCS reinforce gender inequalities³²; whereas such systemic barriers will require an integrated approach for its prevention and elimination; whereas the ILO's Violence and Harassment Convention (No 190) and Recommendation (No 206) are the first international labour standards to provide a common framework to prevent, remedy and

²⁸ Eurofound note on employment trends and working conditions in the creative sectors provided at the request of the rapporteurs, 29 May 2023.

²⁹ <http://www.womarts.eu/upload/01-LI-WOMART-1-20-6.pdf>, p. 34 and s.

³⁰ https://ec.europa.eu/eurostat/databrowser/view/EARN_GR_GPGR2_custom_6350417/default/table?lang=en [PMMR1] PAG. 60; https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_865323.pdf

³¹ Eurofound note on employment trends and working conditions in the creative sectors provided at the request of the rapporteurs, 29 May 2023.

³² ILO, Policy Brief on sexual harassment in the entertainment industry, November 2020.

eliminate violence and harassment in the world of work;

- O. whereas some Member States have adopted incentivising measures to encourage companies, on a voluntary basis, to participate in labour market reintegration of victims of gender-based violence and harassment, by granting them a possible reduction of employers' contribution to social security systems when hiring them with an open-ended contract, that could serve as an example of good practice;
- P. whereas CCS professionals from disadvantaged groups, including people from ethnic and geographic minorities or those with different residency status, people with disadvantaged socio-economic backgrounds, persons with disabilities and LGBTIQ+ people, as well as women and young people, have less access to artistic and cultural careers and fewer opportunities to develop long-term careers in the sectors, increasing the risk of a lack of a generational replacement in the CCS;
- Q. whereas there is no specific legal framework in a number of Member States for any categories of CCS professionals; whereas a number of Member States are in the process of updating their legal framework in order to protect the rights of CCS professionals by taking into account the specificities of the cultural and creative sectors; whereas several Member States have included in their Recovery and Resilience Plans legislative reforms to improve the working conditions of CCS professionals;
- R. whereas mobility is an important element of professional artistic activity and career development and contributes to increasing income and long-term financial predictability; whereas many artists frequently move between Member States; whereas mobility is important for students and young professionals in the CCS to broaden their education, obtain diversified skills sets and recognise a wider range of attractive career prospects; whereas, on the other hand, artistic mobility entails specific challenges, in particular in relation to social protection and taxation, which require specific measures; whereas the high level of mobility may also be conducive to undeclared work³³; whereas the current funding instruments supporting mobility should be better adapted to the specific features of the sectors; whereas artistic productions frequently involve not only European but also third-country CCS professionals whose mobility can be restricted by difficulties in obtaining medium-term visas;
- S. whereas access to artistic education promotes social inclusion and the fight against inequalities; whereas the Erasmus+ programme has been the Union's most visible success in achieving the objectives of quality and inclusive education; whereas the current lack of automatic mutual recognition of artistic competences and creative skills and qualifications are hampering the cross-border mobility of CCS professionals;
- T. whereas the CCS are undergoing significant changes, which require an assessment of the skills needed in the sectors and the development of policies to address current skills gaps; whereas the 2020 Pact for Skills and the 2023 European Year of Skills have further highlighted the need for integrating skills, especially transversal, soft and digital skills, into educational systems with a view to developing talent and career transition,

³³ European Labour Authority, Study on "Different forms of cross-border undeclared work, including through third-country nationals", September 2021, p. 13; https://www.ela.europa.eu/sites/default/files/2022-01/Study-report-on-different-forms-of-cross-border-UDW.2021_EN.pdf

including through technical and vocational training through large-scale skills partnerships within the wider CCS ecosystem, in cooperation with social partners;

- U. whereas the fast pace of digital transformation, accelerated during the COVID-19 pandemic, and the increasing use of artificial intelligence (AI) is creating new opportunities and jobs, facilitating new business models and forms of production and diversifying work arrangements, as well as enhancing the access to culture for larger audiences, thus contributing to the dynamism of the sectors and their transformation; whereas this has, however, brought along certain challenges and uncertainties resulting in job losses, the displacement of workers and a loss of control over their work, including challenges related to the authorship and ownership of creations and to diversity; whereas digitalisation has facilitated the delivery of cultural services across borders; whereas this trend has gone hand in hand with the increasing use of abusive and coercive contractual practices by large media platforms, threatening the fair and adequate remuneration and working conditions of European creators;
- V. whereas fair remuneration for the use of their creative work is central to authors' and composers' working conditions, as this is the basis of their earnings as professional creators; whereas the collective management organisations and their global system play an important role in enabling creators to be remunerated fairly, including through the negotiation of tariffs with users, and in contributing to the promotion of cultural diversity and expression;
- W. whereas the Stuttgart Declaration reflects a united European vision, whereby leaders expressed their will to work together towards a common destiny and the wish to affirm European identity and to progress towards an ever closer union among its peoples; whereas the Declaration sees the role of culture as an important component to achieve this goal;

Cultural and creative sectors: bringing together the peoples of Europe

1. Considers that the cultural and creative sectors (CCS) play a fundamental role in human flourishing and in promoting Europe's social and economic cohesion, vibrant democracy and the prosperity and inclusiveness of our societies; considers, moreover, that they merit support due to the intrinsic value of arts and culture;
2. Underlines that CCS professionals are key to the process of European integration and their work contributes towards connecting communities, building the identity of the peoples of Europe, promoting European cultural diversity and universal dialogue;
3. Underlines the responsibility of the Union, pursuant Article 167 TFEU, in contributing to the flowering of the cultures of the Member States and, pursuant Article 3 TEU, in safeguarding and enhancing Europe's cultural heritage; considers that historically European cultural heritage has acted as a pole of attraction and influence worldwide, yet reclaiming this leading role requires significant investment in the CCS and policies strengthening them, thus ensuring people's cultural rights;

'Status of the artist'

4. Calls on the Member States to strive to implement the 1980 UNESCO Recommendation

concerning the Status of the Artists, to which they are all signatories; notes that the subsequent implementation reports show that more needs to be done to comply with the Recommendation; considers that changes in the last four decades, in particular those connected to digitalisation, including AI, increasing atypical forms of work, require Member States to adapt their actions continuously in order to fulfil their obligations to establish a complete, solid and consistent framework of rights; furthermore, encourages the Member States to contribute to UNESCO's existing monitoring mechanisms to improve information and data collection on the living and working conditions of CCS professionals and inform evidence-based policy making;

5. Notes that experts have identified the lack of a definition of CCS professionals and of recognition of the specificities of their working conditions³⁴ as one of the main factors leading to the weak social protection coverage of CCS professionals; calls on the Member States to recognise the specific situation of CCS professionals, with facilitation by the Commission, while taking into consideration and adjusting, when necessary, the different rules applying to self-employed and employed workers, with the aim of ensuring, on the one hand, the unhindered application of the conditions attached to their status, for those who have such a status under national law, and of attaining convergence and of improving, on the other hand, the situation for those who are not covered by such a status, while promoting transnational work in Europe;
6. Calls on the Commission to map the existing definitions of CCS professionals across the Member States with a view to contributing to a common understanding to be reflected in EU policy-making and cultural statistics; considers that such an approach should also be aligned with the 1980 UNESCO Recommendation;

Access to social protection and decent working conditions

7. Encourages the Member States that have not yet introduced a specific status for artists and other CCS professionals to do so, with the aim of facilitating the access of CCS professionals to adequate social protection complying with minimum standards in line with the Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01); calls on Member States to close existing gaps in access to social protection, particularly in view of the CCS; calls on those Member States which have already an 'artist status' in place to regularly monitor its adequacy and improve it where necessary in the same light, ensuring the coverage of all CCS professionals, and in particular the self-employed, and adjusting it to the new challenges brought by digitalisation and the COVID-19 pandemic; praises those Member States that have in recent years carried out such a review and adaptation;
8. Stresses the atypical work patterns in cultural and creative careers and the high degree of occupational and geographical mobility both at national and EU level of CCS professionals result in challenges, common throughout the Union, in accessing social protection for CCS professionals; considers that, therefore, targeted actions and reinforced coordination at Union level are needed to facilitate that all CCS professionals, regardless of their employment status, within the EU have universal,

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<https://eenca.com/eenca/assets/File/EENCA%20publications/Study%20on%20the%20status%20and%20working%20conditions%20of%20artists%20and%20creative%20professionals%20-%20Final%20report.pdf>

effective and simplified access to adequate and comprehensive social protection schemes; recalls the relevance of adequate and accessible minimum income schemes for CCS professionals who often experience periods of insufficient, irregular or uncertain financial resources, while underlining that such schemes should not be a substitute for fair and adequate remuneration and decent working conditions in the CCS;

9. Urges the Member States to take specific measures to ensure the acquisition, preservation and portability of rights across schemes to allow CCS professionals, who frequently combine or change jobs or pass between worker and self-employed status, to tackle unstable and fragmented income, unpaid work and job insecurity, and safeguard a minimum standard for their income, by effectively adapting national social security schemes to ensure comprehensive access to social benefits, including unemployment benefits, in contribution-based social protection schemes and having adequate coverage, as well as facilitating their participation in the case of voluntary social protection schemes; affirms that the right to fair, appropriate and proportionate remuneration derived from copyright and related rights must be compatible with social protection systems, in particular access to contributory pension, as creative careers are not limited by age;
10. Stresses the need to correctly determine the employment status of persons working in the CCS that corresponds to their actual work arrangements; stresses that all workers are covered by the EU labour law acquis as well as national labour law and amongst others have the right to a minimum wage, collective bargaining, working time and health protection, the right to paid leave and improved access to protection against work accidents, unemployment and sickness benefits, as well as contributory old-age pensions; calls on Member States to strengthen the action of labour enforcement authorities and to implement the ILO Labour Inspection Convention No. 81, with particular attention to ensure the correct classification of persons working in the CCS;

Challenges in cross-border situations

11. Underlines the overall importance of cross-border mobility for facilitating the creative work of CCS professionals and expanding the opportunities for gaining new professional experience abroad;
12. Stresses that ensuring smooth coordination and portability of rights across the social protection systems between Member States is important to ensure effective access to social protection for CCS professionals who show a high degree of labour mobility; calls on the Member States to apply Regulations (EC) No 883/2004 and 987/2009 correctly and consistently; stresses the importance of swiftly adopting and implementing their revision;
13. Notes, navigating the different systems in place remains challenging, in particular for the self-employed and non-standard workers; regrets that many administrative, financial, fiscal and linguistic obstacles to mobility, in particular the cross-border portability of social security entitlements, still persist, often due to differences between Member States legislation; highlights that CCS professionals exercising their right to free movement often face multiple contributions to social and health insurance in several Member States, without being able to benefit from them; calls for stronger

coordination at Union level to ease gaps between national systems to ensure that CCS professionals working in several countries may benefit from their social entitlements;

14. Believes that promoting information on social security coordination rules in Europe on cross-border mobility of artists at EU level is necessary and useful for CCS professionals; encourages the Commission and the Member States to strengthen existing or, where not in place, set up new, adequately funded mobility information points as one-stop shops that are easily accessible in all EU languages and will help CCS professionals gather all relevant sectoral information concerning their working conditions, mobility, fiscality and social protection benefits;
15. Believes that automated information exchange through the electronic exchange of social security information (EESSI), which aims - via administrative cooperation - to allow mobile professionals to work in Europe seamlessly, bears great potential for CCS professionals; asks the Commission to ensure that EESSI addresses the specificities of work patterns and labour mobility in the CCS and that all CCS professionals are covered, building on the recent Communication on digitalisation in social security coordination³⁵;
16. Notes the Commission's recent engagement in the European Social Security Pass (ESSPASS) pilot activities and encourages it to accelerate their implementation; reiterates its repeated call on the Commission to present a legislative proposal for an ESSPASS initiative, which could ensure effective identification, traceability, aggregation and portability of social security rights and improve enforcement of Union rules on labour mobility and social security coordination in the labour market to ensure a level playing field for Union workers and companies; stresses that it is crucial to ensure that European citizens are able to exercise their rights for social security coverage and entitlements across borders in the form of an easy digital tool; underlines that a quick verification of insurance status and contributions can help combat undeclared work and non-compliance with wage setting mechanisms in place in the host country, fraud and abuse of social security benefits and enable social security institutions, labour inspectorates and healthcare providers to verify compliance, via cross-referencing between databases; underlines that ESSP would also make it easier for workers to track and claim their social security contributions and benefits such as pension rights, facilitating their portability and better prevent social fraud in relation to issues such as abusive subcontracting, bogus self-employment, undeclared work and non-payment of social security contributions; calls for deploying the ESSPASS solution in the CCS, ensuring that it addresses the specificities of the sectors and the particular needs of the self-employed;
17. Calls on the Commission and the Member States, in collaboration with the European Labour Authority, to facilitate, through the provision of easily accessible information, the full application of applicable collective agreements in the country of destination to posted CCS professionals and the enforcement of Union law, in order to ensure appropriate protection when such professionals exercise their right to free movement

³⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on digitalisation in social security coordination: facilitating free movement in the Single Market, 6.9.2023, COM(2023) 501 final.

and to combat irregularities of a cross-border nature;

18. Welcomes the new mobility action Culture Moves Europe in the frame of the Creative Europe programme, which offers mobility grants to artists and other CCS professionals; calls on the Commission and the Member States to further strengthen and improve such initiatives and equip them with more adequate funding to enable expanding this scheme in order to reach the widest possible range of CCS professionals and audiences, as well as promoting European co-productions, also involving non-EU countries;
19. Emphasises the importance of Union-wide contests and initiatives showcasing the richness and diversity of European culture and contributing to a European sense of belonging and identity, such as the Lux Audience Award and European Union Prize for Literature; calls on the Commission to review and further strengthen contests or initiatives organised exclusively within the Union, as well as promote and facilitate new contests and initiatives, such as a yearly singing contest between Member States to promote Union culture and tourism;

Fair remuneration, practices and funding

20. Strongly affirms that cultural work is a professional activity and, as such, must be fairly and adequately remunerated reflecting the effective level of education, competences and professional experiences and that provide for a decent standard of living; is concerned by the fact that the CCS are considered low-wage sectors, with 38 % of CCS professionals in the lowest three wage deciles³⁶; welcomes the recent adoption of Directive (EU) 2022/2041 of the European Parliament and of the Council³⁷; calls on the Member States to transpose that Directive swiftly, with particular consideration for the CCS;
21. Deplores all forms of underpaid or unpaid work, such as the practice of offering payment for cultural and creative work in the form of exposure, as well as not counting unregistered work time as working time, and unpaid traineeships³⁸, which may arise from widespread power imbalances in the contractual relationship;
22. Regrets the prevalence of late payment practices in the CCS which severely impacts the solvency of both self-employed and SMEs operating in the sector and widens socio-economic disparities among CCS professionals; stresses the need for Member States to implement Directive 2011/7/EU³⁹ including for undertakings in the CCS;
23. Recalls the importance of copyright and related rights in the CCS and of properly implementing them, ensuring that authors and performers, in their capacity as rightholders, are fairly remunerated for the exploitation of their work; calls for the meaningful transposition and enforcement of the Copyright Directive⁴⁰, aligned with its

³⁶ Eurofound Labour Force Survey

³⁷ Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33).

³⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0239_EN.html

³⁹ Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (OJ L 48, 23.2.2011, p. 1 ELI: <http://data.europa.eu/eli/dir/2011/7/oj>)

⁴⁰ 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 (OJ L 130,

objectives;

24. Calls on the Commission to support the Member States in ensuring an adequate, fair, appropriate and proportionate remuneration for artists and creators for the exploitation of their artistic work, with appropriate mechanisms and through general and sector-specific social dialogue, in line with Union legislation;
25. Stresses the need to facilitate legal access to content and the need to fight against piracy and other illegal uses, in particular in the digital single market;
26. Considers fair and adequate remuneration of authors and composers an essential part of their working conditions and livelihoods; is concerned by the use of various forms of ‘buy-out’ contracts which can lead to an abusive and coercive practice circumventing EU rules and principles on fair remuneration and confirming deep power imbalances between contracting parties is concerned by the increasing use of these contracts often placed under foreign jurisdictions in certain sectors; urges the Member States to ensure that the contractual arrangements in the CCS are in full compliance with Articles 18, 19 and 20 of the Copyright Directive, to enforce the rights of authors and performers in this regard; requests the Commission to assess and closely monitor the situation in that regard; requests the Commission to assess carefully the compatibility of ‘buy-out’ provisions, as well as provisions on choice of law and jurisdiction that often elude European rules, and the need to address these and any other harmful practices imposed on creators in light of existing and forthcoming initiatives;
27. Is concerned by coercive buy-out practices threatening the working conditions and livelihood of European creators; welcomes the forthcoming study that the Commission will launch on this issue and requests the Commission to propose the necessary initiatives to address this practice at Union level, taking in account its conclusions and recommendations;
28. Calls on the Member States to increase efforts to prevent undeclared work, to recognise and regulate unregistered working time and to eradicate bogus self-employment practices in the CCS, including by strengthening the action of labour enforcement authorities, with the involvement of the social partners; stresses the role of ELA in this regard, in particular in the provision of information for mobile CCS professionals workers, information exchange between Member States, joint and concerted inspections and risk assessments regarding sector-specific challenges;
29. While recognising the particular working time arrangements common in the sectors, believes that work-life balance must be respected;
30. Underlines the importance of upholding health and safety in the workplace; calls on the Commission to promote the recognition of, compensation for, and prevention of occupational diseases related to the specific activities in the CCS;
31. Reiterates its call on the Member States to ensure stable and predictable funding and to diversify the sources of support for the CCS, to refrain from financial cuts to existing

17.5.2019, p. 92, ELI:<http://data.europa.eu/eli/dir/2019/790/oj>).

funding and to increase their financial support to the sectors, contributing to higher predictability for CCS professionals receiving those funds;

32. Believes that public funders in the CCS have a responsibility to promote fair practices and calls for the integration of fair principles in their funding strategies, in consultation with the social partners; insists that all professional institutional engagements of CCS professionals should be fairly remunerated and job substitution through bogus volunteering should be tackled;
33. Calls on public funders at Union, national, regional and local level to introduce and enforce the social clause through terms and conditions on the use of public funding and procurement to ensure fair and adequate remuneration and working conditions of CCS professionals across the whole subcontracting chain, taking into account the gender perspective to guarantee equal access to creation and production resources and equal pay, in compliance with collective agreements where they exist, and to promote the achievement conclusion of collective bargained solutions where they do not yet exist;
34. Considers that Union-funded programmes and projects in the CCS, such as Creative Europe, should ensure compliance with all labour and social obligations under Union and national law or collective agreements, contribute to the implementation of the principles of the European Pillar of Social Rights in the CCS; asks the Commission to ensure that the next cycle of Union programmes in the CCS complies with such principles, including via the introduction of social conditionality, similar to other EU policy areas, covering among others, the obligation to remunerate CCS professionals fairly for their work, including time devoted to research, rehearsals, preparation and application retroactively, taking in consideration the specificities of the applicants and the CCS as a whole, as well as paying due attention to not disproportionately increasing administrative burdens;
35. Recalls that the procedures to apply for EU funding, including those for the Creative Europe programme, are still too burdensome and create unnecessary obstacles for potential beneficiaries; therefore, calls on the Commission to further simplify these procedures to ensure fair access to Union funding;
36. Believes that public funding is fundamental to ensuring a sustainable, diverse and democratic cultural and creative ecosystem; asks the Member States and the Commission to substantially increase the financial support for the CCS and on Member States to set a minimum spending target of 2 % of government public expenditure in the CCS, which generate up to 4% of EU GDP; calls on all Union actors to increase funding for culture across the Union's programmes and to strengthen synergies, as well as to introduce the necessary changes in the oversight of the MFF to account for investments in culture across the European budget;
37. Regrets that the majority of Member States did not reach an investment target of 2 % of the Recovery and Resilience Fund for the CCS to be included in Member States' National Recovery and Resilience Plans (NRRP), as requested by the Parliament;

Role of the social partners and collective bargaining

38. Recalls that CCS professionals have the freedom and right to form and join trade unions

and professional organisations to represent them and to participate systematically and meaningfully in the policy making process on cultural, social and employment policies; calls on the Member States to strengthen the social dialogue at Union, national and sectoral level in line with the Council Recommendation on strengthening social dialogue, ensuring that all CCS professionals across the sectors are represented as well as ensuring a high level of collective bargaining coverage, in such a way as to secure decent working conditions and fair and adequate wages; calls on the Member States to guarantee the effective application of the right to collective bargaining in the CCS;

39. Notes that Member States' collective bargaining coverage rates in the CCS vary significantly; considers that strong collective bargaining decisively contributes to ensuring adequate minimum wage protection, fair remuneration, workers' rights, good working conditions, as well as provisions for training and professional development and health and safety protection of workers; calls on the Commission and the Member States to support social dialogue at all levels and collective bargaining and improve its coverage in the CCS; therefore, encourages the Commission and the Member States, along with the social partners, to work towards reaching collective bargaining coverage of at least 80 % by 2030, which should also be reflected in the CCS, and to review regularly progress towards reaching this target;
40. Welcomes the publication by the Commission of the 'Guidelines on application of Union competition law to collective agreements regarding working conditions of solo self-employed persons', including solo self-employed authors and performers, offering greater protection to creators and self-employed in the CCS; calls on the Member States to ensure that national competition authorities effectively apply the Guidelines; calls on the Commission to monitor the application of the Guidelines by national competition authorities supported by the European Competition Network and consultations with the European Social Partners as well as with authors, artists, performers and cultural workers, in order to ensure that they are applied consistently;
41. Underlines that most solo self-employed persons in the CCS face difficulties in influencing their working conditions; notes that, even if they are not fully integrated into the business of their principal in the same way as workers, certain solo self-employed persons may not be entirely independent of their principal or may lack sufficient bargaining power; stresses therefore that collective bargaining for solo self-employed is an effective tool to guarantee better working conditions, including pay;
42. Calls on the Member States and the social partners to strive towards guaranteeing fair and adequate wages in the CCS, reflecting the effective level of education, skills, competences and professional experiences; calls on the Member States, in this regard, to promote collective agreements on wage-setting in the CCS;

Education, training opportunities and career development

43. Is concerned by the increasingly limited space devoted to artistic education in national curricula in primary and secondary education; notes with concern that financial barriers often hinder access to higher education in the arts and culture for young people coming from a vulnerable or disadvantaged background, notably with disabilities; calls on Member States to ensure equitable access to artistic education, in particular higher

education; urges the Member States to allocate appropriate financial and human resources for strengthening artistic disciplines, through a STEAM approach, in all stages of education in curricular and extra-curricular activities; asks the Commission to assess potential models to compensate public artistic and cultural organisations facilitating free access for young persons under 18 years to cultural events and education;

44. Is concerned by the lack of clarity and information on working conditions and practices provided to students and young graduates entering the labour market, including an understanding of worker and self-employed status; calls on Member States to put in place or strengthen inclusive measures to ensure that young people, especially those typically disadvantaged on the labour market, have access to information about employment opportunities, fair practices and their rights, among others under the applicable copyright framework, and obligations under Union and national labour law;
45. Stresses that access to the European Education Area is fundamental for artistic research and the career development of teachers and young professionals in the cultural and creative sectors; calls on the Member States to ensure that higher arts education is fully integrated in the European Education Area; urges the Commission and the Member States to work towards enhancing the value of artistic and culture related degrees and the automatic mutual recognition and certification systems of diplomas and other qualifications and skills, learning outcomes and study periods abroad which allow for comparability and to ensure cross-border portability of artistic competences and skills of CCS workers;
46. Insists on the importance of investing in lifelong learning for CCS professionals; stresses the importance of mobility at EU level for exchanging ideas and practices, promoting intercultural collaboration and enhancing career development, including training opportunities, in the cultural and creative sectors; believes that redoubled efforts are needed to strengthen and widen opportunities for educational and professional exchange at European level making those more inclusive; urges the Member States and the Union to better map the training needs of CCS professionals and to coordinate better their culture, education and employment policies so that these address more adequately the particular challenges of the cultural and creative sectors;
47. Stresses the role that micro-credentials can play when used in a coherent and standardised way, also in digital and creative skills and competencies, while recognising their complementarity to formal qualifications; calls on the Commission and Member States to develop a European ecosystem for micro-credentials in line with the Council Recommendation and to ensure their portability across Europe;
48. Is concerned by the lack of career transition support systems in place for artists and CCS professionals in need of retraining; believes this is of particular importance for professionals whose jobs are impacted among others by digitalisation or those whose practice relies on their physical capacities, such as dancers, singers and musicians; calls on the Member States and the Commission, in consultation with the social partners and in the context of the objectives of the European Year of Skills and the Pact for Skills, to invest in upskilling and reskilling via lifelong learning schemes and skills development programmes, including through partnerships with all relevant actors, the collection of

good practices, technical and vocational education and training systems, allowing CCS professionals to develop new digital, entrepreneurial, legal and other relevant knowledge and skills, including AI literacy, soft and transversal skills, either within or outside the cultural and creative sectors;

49. Welcomes the development of the European Digital Education Content Framework that will build on cultural and creative diversity; calls on the Member States to adequately implement the recommendations into their national school and educational systems; reiterates its call on the Commission to present a proposal for a Directive on quality traineeships and stresses the importance of having paid quality traineeships in the CCS;
50. Calls on the social partners to promote training and skills development; calls on the European Commission to support cooperation between skills councils where these exist and the exchange of best practices between Member States;
51. Believes that CCS professionals can belong to more than one sector, such as the entertainment and sports sectors; believes that these sectors also play a fundamental role in bringing the peoples of Europe closer together through the lived experiences of Union competitions; stresses therefore the importance of ensuring a healthy and balanced ecosystem across the CCS, the entertainment and the sport sectors;

Gender equality and measures against workplace harassment and discrimination in the cultural and creative sectors

52. Highlights that women are frequently victims of sexism, gender stereotypes and sexual harassment and typically earn less than men in equivalent positions; calls on the Member States to redouble their efforts to eradicate sexual harassment in the cultural and creative sectors and to ensure a safe and healthy work place, including by exchanging best practices; welcomes, in that regard, the Commission proposal for a directive on combating violence against women and domestic violence, and looks forward to its swift adoption; calls on the Member States, in collaboration with the social partners, for a quick transposition and implementation of the pay transparency directive and to strengthen binding pay transparency measures in the CCS, such as the right to information on pay levels, reporting by companies and collective bargaining; asks the Commission and the Member States to strengthen existing or, where not in place, creating new incentive mechanisms and structures for ensuring equal opportunities in careers, particularly for women, LGBTQI+, persons from disadvantaged backgrounds and belonging to minorities, including, when appropriate, through funding mechanisms;
53. Notes that the CCS, due to the often precarious working conditions and unbalanced power structures show above average exposure to intimidation and discrimination, with 86 % of unions in the entertainment industry expressing concern about sexual harassment occurring in the workplace⁴¹; notes that, within the entertainment sector, the live entertainment and film/television production sub-sectors are particularly affected⁴²;

⁴¹ Policy Brief on sexual harassment in the entertainment industry, ILO, 2020

https://www.ilo.org/wcmsp5/groups/public/@ed_dialogue/@actrav/documents/publication/wcms_761947.pdf

⁴² ILO Policy Brief on sexual harassment in the entertainment industry (2020)

54. Urges the Member States, in cooperation with the social partners, to remove systemic barriers that make CCS professionals vulnerable and create a comprehensive and coordinated sectorial response to prevent, address and eliminate violence and harassment, including by providing clear lines of responsibility in reporting and protection procedures, establishing and providing appropriate resources for independent structures for confidential reporting of unfair practices and obtaining guidance and legal counsel, investigating scrupulously the reported cases, raising awareness, and establishing guidelines on harassment prevention through education and training, including for the competent authorities;
55. Stresses that female artists and CCS professionals across the Union should have increased access to creation and production resources; reiterates its call on the Member States, with the involvement of social partners, to promote social dialogue, including through collective bargaining, on addressing the gender inequality by ensuring equal pay for work of equal value, representation in leadership and other decision-making positions, as well as protecting work-life balance; encourages the social partners to promote the inclusion of women and youth in their leadership and among the negotiators; calls on the Member States in this regard to swiftly transpose and enforce the Work-life Balance Directive⁴³; calls on the Member States to ensure that companies and organisations active in the CCS to adopt gender equality action plans to prevent harassment in the workplace in cooperation with their workers' representatives;
56. Calls on the Member States that have not yet ratified the ILO's Violence and Harassment Convention to do so without delay; further, calls for the swift adoption of the Council decision authorising ratification of the Convention regarding those provisions that touch upon Union competences;

Artistic freedom

57. Insists on the need to ensure freedom of artistic creation and expression throughout Europe, contributing to solidarity, social cohesion and a level playing field for artists to develop their activity; reiterates its call on the Commission to expand, as part of the rule of law reports, the chapter on monitoring media freedom and pluralism to cover also all aspects of freedom of expression, including artistic and academic freedoms; calls on the Commission, as part of its review of the EU Democracy Action Plan implementation, to focus further, through appropriate initiatives, on promoting and defending the freedom of artists to create without censorship, political interference or intimidation, including criminalisation, thus ensuring the enjoyment of European citizens' cultural rights;
58. Insists that fair social and working conditions and a decent and sustainable level of remuneration, as well as adequate access to social security, are crucial for guaranteeing freedom of artistic expression for all creators, ensuring a level playing field for them to develop their activity; recalls the duty of Member States and the Union to protect, defend and assist CCS professionals in upholding their freedom of creation and expression; calls on the Member States, with the proactive support of the Commission,

⁴³ Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019, p. 79, ELI: <http://data.europa.eu/eli/dir/2019/1158/oj>).

to develop guidelines for protecting artistic freedom as an EU value;

59. Invites the Commission and the EEAS to consolidate and expand measures, as appropriate, to support artists and other CCS professionals at risk, especially as a consequence of war or geopolitical instability, in upholding their freedom of artistic expression;

Digital challenges

60. Highlights that automation and AI have become a useful tool for artistic creation and that they may also contribute to job creation in the CCS and enrich opportunities for its development, triggered by the emergence of new occupational profiles, especially when implemented in a human-centric way, in order to make human beings a source and beneficiary of technological innovations; is, however, concerned by the effects of increasing automation resulting from the use of machine learning, robotics and other data-based technologies such as assisted content production, artificial voiceover, speech-to-text translation, as well as automated metadata extraction and the spread of powerful generative AI systems to generate content, including the use of deepfakes without consent, which could pose a particular challenge to artists and other CCS professionals at risk of losing their jobs, their remuneration rights, control over their work, or of suffering from deteriorating working conditions;
61. Calls on the Commission, following consultation with social partners, to develop a strategic approach at Union level to anticipate the effects on jobs, working methods, workers' conditions, upskilling, reskilling and workforce needs resulting from the use of these new technologies in the CCS; calls on the Member States, with the support of the Commission, to develop, as part of this strategic approach, training and education, including AI literacy, and job creation action plans and sector-specific financial support and measures to ensure access to adequate social protection for those affected by digitalisation and AI-related job losses;
62. Calls more specifically for the promotion of social dialogue and consultations with the CCS to ensure equality, cultural diversity, non-discrimination and fairness in AI systems; calls on the Commission to adopt measures to ensure transparency and accountability of AI systems and algorithms, to avoid unintended bias and discrimination in the CCS and ensure equal treatment, inclusion and the best use of digital technologies to support decent working conditions of CCS professionals, the enjoyment of their rights and in particular the right to fair, appropriate and proportionate remuneration, in line with Union copyright legislation;
63. Highlights that algorithmic management presents new challenges for the future of work, such as technology-enabled control and surveillance to monitor progress, time and performance, and entails a significant impact on workers' health and safety, notably their mental health and right to privacy and human dignity, as well as discriminatory treatment in recruitment processes and other areas, if sufficient human oversight is not ensured; is concerned, furthermore, that AI can undermine the freedom and autonomy of people, including in the workplace; stresses that AI solutions in the CCS must be transparent, avoid negative implications for workers and should be negotiated between the social partners; calls on the Commission to pay due attention to the effects of AI on

workers' rights and well-being in an increasingly digitalised workplace in current and future legislative work, including by presenting a legislative proposal on AI in the workplace;

64. Reiterates its call on the Commission to assess the challenges posed by AI-generated content, arising from continuously evolving business models which risk creating regulatory gaps, as well as the impact of the research and development of AI and related technologies, on the CCS, in particular with regard to authorship and fair remuneration of authors and performers; calls on the Commission to evaluate the extent to which the European General Data Protection Regulation can provide fast and effective safeguards against the unauthorised scraping of personal data by AI systems and whether existing text and data mining exceptions are adequately balanced to meet the three-step test also in the context of generative AI; underlines the need to ensure that providers of generative AI comply with the obligations established in the eventual Artificial Intelligence Act and, without prejudice to Union or national legislation on copyright, document and make publicly available a sufficiently detailed summary of the use of training data protected under copyright law;
65. Highlights the need for the whole cultural ecosystem to be well-balanced in order to allow each of its parts to thrive; believes that working towards the full post-COVID recovery, integrating and managing digital innovation and further strengthening of the sectors, as well as better terms and conditions for CCS professionals in the sectors, is of paramount importance; notes that new innovative organisational forms of association, such as self-managed organisations and cultural cooperatives, are increasingly relevant within the CCS; calls on the Member States and the Commission to support them and their networks, ensuring the same level of recognition by taking into account their specificities when proposing initiatives, in order to guarantee high standards of transparency, their full and active participation, including in decision making processes, and the protection of their workers at national and European level; calls on the Member States to create a supportive environment for public-private partnerships to facilitate policy innovation that will foster the competitiveness of creative businesses, their productivity and sufficient funding;
66. Stresses the need to urgently revise child labour laws which became ineffective with the widespread prevalence of underage content creators on social media; calls on the Commission and the Member States to put forward provisions to protect underage content creators from the risks of exploitation, taking into account the new challenges posed by new technologies and social media platforms;

Proposals for Union measures

67. Requests that the Commission submit, on the basis of Article 153 and Article 352 of the Treaty on the Functioning of the European Union, proposals for legislative instruments establishing a comprehensive Union Framework ('the Framework') on the social and professional situation of artists and other professionals in the cultural and creative sectors ('CCS professionals'), in particular: a Directive on decent working conditions, thereby contributing to the correct determination of their employment status, as well as one or more decisions for collecting and publishing appropriate data and for encouraging cooperation and the exchange of best practices between Member States,

including through the establishment of a European platform, with a view to formulating quality standards and reviewing relevant developments as regards the status and situation of CCS professionals, ensuring a gender perspective, with the full participation of the social partners, as well as for the recognition at Union level of the specific situation of CCS professionals following the recommendations set out in the Annex hereto;

68. Considers public spending for culture a social investment that should be closely monitored; calls for the inclusion of the working and living conditions in the CCS in the Guidelines for the employment policies of the Member States⁴⁴;
 69. Reiterates its call on the Commission to update the New Agenda for Culture and include the improvement of CCS professionals' living and working conditions as a priority area; asks the Commission to include in its political priorities for 2024-2029 the improvement of working and living conditions and fair remuneration in the CCS;
 70. Calls on the Member States to increase the level of ambition for the key priority 'Artists and cultural professionals: empowering the CCS' in the Council Work Plan for Culture 2023-2026, with more ambitious actions and target outputs focusing on the status and working conditions of CCS professionals;
 71. Asks the Commission to report every second year to the European Parliament and to the Council on its analysis of the situation of CCS professionals in the Union and relevant developments on the basis of the collected data, as well as on the implementation of the instruments included in the Framework;
 72. Considers that any financial implications of the requested proposals should be covered by existing budgetary allocations; stresses that, given the significance of the CCS for the Union's and Member States' economies, the adoption and implementation of the proposals would lead to substantial financial and efficiency gains, and will thus be beneficial both in economic and social terms, as clearly pointed out in the EPRS EAVA Study;
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73. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council, as well as to the Member States.

⁴⁴ Council Decision (EU) 2022/2296 of 21 November 2022 on guidelines for the employment policies of the Member State (OJ L 304, 24.11.2022, p. 67, ELI: <http://data.europa.eu/eli/dec/2022/2296/oj>).

ANNEX TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSALS REQUESTED

Recommendation 1: the general objective of the Framework

The general objective of the proposals which the Commission is requested to submit is to establish a Union framework on the social and professional situation of artists and other professionals in the cultural and creative sectors ('CCS professionals') (the 'Framework') in order to improve their social and professional situation.

Recommendation 2: instruments comprised in the Framework

The Framework should be composed of the following proposals for legislative instruments, notably:

- a Directive on decent working conditions; and
- one or more Decisions which contribute to the implementation of, or complementing, the Union *acquis* in relevant areas and which set up a mechanism for structured cooperation and the exchange of best practices between Member States with a view to formulating quality standards and reviewing relevant developments as regards the status and situation of CCS professionals, including through the establishment of a platform. That mechanism should ensure that the social partners can fully participate at national and Union level.

Recommendation 3: the scope of the proposals for legislative instruments

The Framework should cover all CCS professionals in the different functions, roles and capacities needed for the realisation of cultural and creative expressions and works, regardless of their employment status.

The Framework should focus, *inter alia*:

- by means of a Directive, on the following points:
 - the correct determination of CCS professionals' employment status in order to enable the Member States to properly identify their status;
 - the development of measures to improve CCS workers' working conditions, in particular to ensure fair and adequate remuneration, decent working conditions and fair working practices;
- by means of one or more Decisions, including a Decision establishing a European platform on the social and professional situation of CCS professionals, on the following points:
 - the improvement of the status of CCS professionals;
 - the establishment of criteria for a common understanding and recognition of CCS professionals and their specific situation at Union level. Those criteria would have the

aim of ensuring, on the one hand, the unhindered application of the conditions attached to CCS professionals' status, for those who have such a status under national law, and of attaining convergence and of improving, on the other hand, the situation of those who are not covered by such a status,

- the facilitation of CCS professionals' effective access to social security and social protection;
- the improvement of representation for, and the collective bargaining of, CCS workers in cooperation with the social partners, in line with the Council Recommendation on strengthening social dialogue in the Union;
- the promotion of transnational work in Europe, including through the facilitation of the coordination and portability of rights across social protection systems and of cross-border mobility in the cultural and creative sectors;
- the introduction of terms and conditions on the use of public funding to ensure the fair remuneration of, and fair working conditions for, CCS professionals, to advance gender equality, in compliance with collective agreements where they exist, and to promote the achievement of collectively bargained solutions where they do not yet exist;
- the integration of higher arts education in the European Education Area, the automatic mutual recognition and validation of learning outcomes and study periods abroad in the cultural and creative sectors and the development of training opportunities and career development and transitions for CCS professionals;
- the removal of systematic barriers to fight against all forms of discrimination and of gender-based violence and the promotion of gender equality in the cultural and creative sectors;
- the effective guarantee of artistic freedom as part of working conditions for CCS professionals.

The Commission should analyse the situation of CCS professionals in the Union, monitor relevant developments as well as the implementation of the Framework. It should report its findings every two years to the European Parliament and to the Council on its analysis of the situation of CCS professionals in the Union, on relevant developments and on the implementation of the Framework.

Recommendation 4: the specific objectives of the Decision(s) establishing a European platform

A European platform should be established by means of one or more Decisions. The European platform should pursue, *inter alia*, the following specific objectives:

- to improve knowledge on the living and working conditions of CCS professionals, including with regard to the causes of and regional differences in such conditions, by means of evidence-based tools, comparative analysis and relevant methodological instruments for data collection, building on the work of relevant actors;
 - such data should cover working conditions, employment status, levels of remuneration, access to social security and social protection, collective representation and defence and coverage by collective agreements, exposure to inclusion obstacles and forms of discrimination and gender-based violence, and gender equality and artistic freedom; such data should be disaggregated

by gender, age, disability, geographical location, company size and specific sector as far as available;

- to improve mutual understanding of different systems and practices, including through a mapping of existing definitions of CCS professionals across the Member States, to lower fragmentation and to tackle the issues identified, in particular cross-border aspects and Union-level cultural statistics;
- to develop analyses of the effectiveness of different policy measures;
- to establish tools and practices for mutual learning and the efficient sharing of information and experiences, aiming for convergence between Member States' approaches, including through a knowledge bank of different practices and measures taken;
- to develop tools, such as application guidelines, handbooks of good practices and shared principles, for improving the situation in all the areas covered by its scope and to evaluate experiences with relevant tools;
- to facilitate and support different forms of cooperation between Member States by increasing their capacity, to facilitate cross-border mobility and the undertaking of joint activities, and to evaluate experiences of such cooperation undertaken by participating Member States; in particular, the platform should organise exchanges of views with Member States' representatives, policymakers and stakeholders to foster mobility, with an expanded focus on inclusion, and tackling obstacles related to disability;
- to develop an education and training strategy that considers the specificities of the cultural and creative sectors;
- to develop and, where appropriate, improve training capacity for relevant authorities and to develop a framework for carrying out joint training, including with the involvement of social partners;
- to raise awareness on the relevant problems and available solutions among CCS professionals, trade unions and other workers' representative organisations, and relevant Member State authorities.
- to facilitate the issuing of recommendations to Member States on the objectives set by the Framework.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEURS HAVE RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report, until the adoption thereof in committee:

Entity and/or person
AEPO-ARTIS
Association Européenne des Conservatoires, Académies de Musique et Musikhochschulen (AEC)
Centre de Musiques Amplifiées
Coordinator European Writers' Council
Culture Action Europe
Europa Nostra
European Composer and Songwriter Alliance (ECSA)
European Grouping of Societies of Authors and Composers (GESAC)
European Labour Authority (ELA)
European Music Council
European Music Managers Alliance (EMMA)
European Trade Union Confederation (ETUC)
European Writers' Council - Fédération des Associations Européennes d'Ecrivains (EWC - FAEE)
European Visual Artists (EVA)
Federation of European Publishers
Federation of European Screen Directors (FERA)
Future of Religious Heritage (FRH)
Independent Music Companies Association (IMPALA)
International Arts and Entertainment Alliance - Media, Entertainment and Arts division (UNI-MEI)
International Federation of Actors (FIA)
International Federation of Musicians (FIM)
International Labour Organization (ILO)
International Music + Media Centre (IMZ)
International Network for Contemporary Performing Arts (IETM)
Kunsten '92 on behalf of Europaplatform
Live DMA
On the Move
Opera Europe
Pearle* - Live Performance Europe
Prometheus21
Red Arrayan de Cultura, Patrimonio y Medio Ambiente
Society of Audiovisual Authors - SAA
The European Non-Governmental Sports Organisation (ENGSO)
UNESCO
Université libre de Bruxelles - Cultural Management

Ignasi Camós, Professor of Labor and Social Security Law at the University of Girona
Ricardo Morón Prieto, Professor of Labour and Social Security Law at Universidad Autónoma de Madrid

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Rule 58 – Joint committee procedure Date announced in plenary	20.4.2023
Date adopted	24.10.2023
Result of final vote	+: 43 –: 5 0: 3
Members present for the final vote	Asim Ademov, João Albuquerque, Gabriele Bischoff, Andrea Bocskor, Milan Brglez, David Casa, Jarosław Duda, Lucia Ďuriš Nicholsonová, Tomasz Frankowski, Cindy Franssen, Chiara Gemma, Hannes Heide, Alicia Homs Ginell, Agnes Jongerius, Petra Kammerevert, Niyazi Kizilyürek, Stelios Kypourououlos, Katrin Langensiepen, Elena Lizzi, Martina Michels, Niklas Nienass, Max Orville, Dragoş Pîslaru, Peter Pollák, Dennis Radtke, Elżbieta Rafalska, Diana Riba i Giner, Daniela Rondinelli, Pirkko Ruohonen-Lerner, Monica Semedo, Andrey Slabakov, Michaela Šojdrová, Eugen Tomac, Romana Tomc, Sabine Verheyen, Marianne Vind, Theodoros Zagorakis, Milan Zver
Substitutes present for the final vote	Ibán García Del Blanco, Marcel Kolaja, Pierre Larrousurou, Antonius Manders, Eugenia Rodríguez Palop, Rob Rooker, Kim Van Sparrentak, Salima Yenbou
Substitutes under Rule 209(7) present for the final vote	Matthias Ecke, Isabel García Muñoz, Ivars Ijabs, Franco Roberti, Thomas Rudner

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

43	+
PPE	Asim Ademov, David Casa, Jarosław Duda, Tomasz Frankowski, Cindy Franssen, Stelios Kypouropoulos, Antonius Manders, Peter Pollák, Dennis Radtke, Eugen Tomac, Romana Tomc, Sabine Verheyen, Theodoros Zagorakis, Milan Zver, Michaela Šojdrová
Renew	Lucia Ďuriš Nicholsonová, Ivars Ijabs, Max Orville, Dragoş Pîslaru, Monica Semedo, Salima Yenbou
S&D	João Albuquerque, Gabriele Bischoff, Milan Brglez, Matthias Ecke, Ibán García Del Blanco, Isabel García Muñoz, Hannes Heide, Alicia Homs Ginel, Agnes Jongerius, Petra Kammerevert, Pierre Larrourou, Franco Roberti, Daniela Rondinelli, Thomas Rudner, Marianne Vind
The Left	Niyazi Kizilyürek, Martina Michels, Eugenia Rodríguez Palop
Verts/ALE	Katrin Langensiepen, Niklas Nienass, Diana Riba i Giner, Kim Van Sparrentak

5	-
ECR	Chiara Gemma, Elżbieta Rafalska, Rob Rooker, Pirkko Ruohonen-Lerner, Andrey Slabakov

3	0
ID	Elena Lizzi
NI	Andrea Bocskor
Verts/ALE	Marcel Kolaja

Key to symbols:

+ : in favour

- : against

0 : abstention