



**2023/2051(INL)**

13.6.2023

## **DRAFT 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

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION.....	3
ANNEX TO THE MOTION FOR A RESOLUTION: RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSALS REQUESTED ..	12
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEURS HAVE RECEIVED INPUT .....	14

## 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 Article 225 of the Treaty on the Functioning of the European Union,
- having regard to the UNESCO Recommendation concerning the Status of the Artist of 27 October 1980,
- having regard to the European Council’s Stuttgart Declaration of 19 June 1983,
- having regard to the report by the Open Method of Coordination (OMC) Working Group of Member States’ experts on ‘The status and working conditions of artists and cultural and creative professionals’ of XXX 2023 [forthcoming],
- 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 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 4 March 2021 entitled ‘The European Pillar of Social Rights Action Plan’ (COM(2021)0102),
- 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 Articles 11, 12, 13, 15, 27, 28, 30 and 31 of the Charter of Fundamental Rights of the European Union,
- 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 Resolution of 7 December 2022 on the EU Work Plan for Culture 2023-2026 (2022/C 466/01),
- 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 22 May 2018 on key competences for lifelong learning (2018/C 189/01),
- 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 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 17 September 2020 on the cultural recovery of Europe (2020/2708(RSP)),
- 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 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 23 November 2021 on EU sports policy: assessment and possible ways forward (2021/2058(INI)),
- having regard to its resolution of 1 June 2023 on strengthening social dialogue (2023/2536(RSP)),
- 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 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 29 March 2007 on the future of professional football in Europe (2006/2130(INI)),
- having regard to its resolution of 8 May 2008 on the White Paper on Sport (2007/2261(INI)),
- having regard to its resolution of 2 February 2012 on the European dimension in sport (2011/2087(INI)),
- having regard to relevant Union legal acts in the area of social policy, such as 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 services<sup>1</sup>, Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems<sup>2</sup>, Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time<sup>3</sup>, and 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 Union<sup>4</sup>,

- having regard to Decision (EU) 2023/936 of the European Parliament and of the Council of 11 May 2023 on a European Year of Skills<sup>5</sup>,
- 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 occupation<sup>6</sup>, which includes social security schemes, and 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/EEC<sup>7</sup>,
- 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)<sup>8</sup>,
- 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 1296/2013<sup>9</sup>,
- 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)<sup>10</sup>,
- having regard to the European Social Partners Framework Agreements on Telework (2002) and Digitalisation (2020),
- having regard to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to the Rome Declaration of the G20 Ministers of Culture of 30 July 2021,

---

<sup>1</sup> OJ L 18, 21.1.1997, p. 1.

<sup>2</sup> OJ L 166, 30.4.2004, p. 1.

<sup>3</sup> OJ L 299, 18.11.2003, p. 9.

<sup>4</sup> OJ L 186, 11.7.2019, p. 105.

<sup>5</sup> OJ L 125, 11.5.2023, p. 1.

<sup>6</sup> OJ L 204, 26.7.2006, p. 23.

<sup>7</sup> OJ L 180, 15.7.2010, p. 1.

<sup>8</sup> OJ L 189, 28.5.2021, p. 34.

<sup>9</sup> OJ L 231, 30.6.2021, p. 21.

<sup>10</sup> OJ L 131, 20.5.2017, p. 1.

- having regard to the relevant ILO Conventions and Recommendations,
  - having regard to the judgment of the Court of Justice of 30 March 2000 in Case C-178/97<sup>11</sup>,
  - 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)<sup>12</sup>,
  - having regard to the Voices of Culture report of June 2021 entitled ‘Status and Working Conditions for Artists, Cultural and Creative Professionals’<sup>13</sup>,
  - 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 the European Added Value Assessment of xxx 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’, 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’<sup>14</sup>,
  - having regard to Articles 6, 46, 153, 157, 165, 167 and 225 of the Treaty on the Functioning of the European Union,
  - 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 (A9-0000/2023),
- A. 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 creative input to technical support; whereas the existence of such expressions and works depends, thus, on whether all CCS professionals receive adequate recognition and support;
- B. whereas, regardless of their role or their status as a worker or self-employed person, the living and working conditions of CCS professionals can be characterised by precariousness and instability, with unpredictable incomes, short-term contracts, weak or no social security, and a lack of access to unemployment support; whereas the extent of

<sup>11</sup> 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.

<sup>12</sup> <https://ec.europa.eu/culture/news/study-artists-working-conditions-published>

<sup>13</sup> <https://voicesofculture.eu/wp-content/uploads/2021/07/VoC-Brainstorming-Report-Working-Conditions-2.pdf>

<sup>14</sup> [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)

social security coverage of CCS professionals varies between countries, sectors and types of work within the sectors and may lead to differences in living and working conditions;

- C. whereas more than double the number of CCS professionals is self-employed than in the general population (32 % compared to 14 %);
- D. whereas these atypical working arrangements, often interrupted by significant periods of non-remunerated time spent on artistic research or rehearsing, severely limit the effective access of CCS professionals to social protection and their access to relevant entitlements; whereas, even when coverage is available on a voluntary basis, self-employed CCS professionals have a low coverage rate;
- E. whereas career sustainability in the cultural and creative sectors is challenging and career prospects tend to worsen with age;
- F. whereas CCS professionals tend to have low retirement savings as a result of the atypical and sometime precarious nature of their work;
- G. whereas the limited collective bargaining practices in the cultural and creative sectors<sup>15</sup> in several Member States contribute to poor job quality, low income and limited access to social protection;
- H. whereas sexual harassment in the cultural and creative sectors is three times higher<sup>16</sup> than in the average workforce;
- I. whereas there is no specific legal status 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;
- J. whereas mobility is an important element of professional artistic activity and career development and contributes to increasing income and reducing precariousness; whereas artists frequently move between Member States; whereas artistic mobility entails specific challenges, in particular in relation to social protection and taxation, which require specific measures;

### **Cultural and creative sectors: bringing together the peoples of Europe**

1. Considers that the arts, the broader cultural and creative sectors, entertainment and sports play a fundamental role in human flourishing and in Europe's social cohesion and economy; underlines that CCS professionals are key to the process of European integration;

#### **'Status of the artist'**

---

<sup>15</sup> Eurofound note on employment trends and working conditions in the creative sectors provided at the request of the rapporteurs, 29 May 2023.

<sup>16</sup> Eurofound note on employment trends and working conditions in the creative sectors provided at the request of the rapporteurs, 29 May 2023.

2. 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;
3. Notes that experts have identified the lack of a definition of CCS professionals and of a specific employment status<sup>17</sup> as one of the main factors leading to the weak social protection coverage of CCS professionals; asks the Commission to facilitate the recognition at Union level of the specific situation of CCS professionals, 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;
4. Encourages the Member States that have not yet introduced a specific status for artists and other CCS professionals to do so; calls on those Member States which have an ‘artist status’ in place to monitor its adequacy and review it where necessary;

### **Access to social security and decent working conditions**

5. Is concerned about the sustainability of the livelihood of CCS professionals in a number of Member States; believes that reinforced action at Union level is needed in that regard, in particular with regard to self-employed CCS professionals;
6. Considers that, in view of atypical work patterns in cultural and creative careers and the ensuing challenges, common throughout the Union, in accessing social protection for CCS professionals and in view of the high cross-border mobility of CCS professionals, a targeted legal act at Union level is needed to promote access to comprehensive and adequate social protection systems for all CCS professionals;

### **Challenges in cross-border situations**

7. Acknowledges the efforts to improve social coordination across the Union; highlights, however, that mobile CCS professionals often face multiple payments of social and health insurance in several Member States, without being able to benefit from them; notes that administrative and fiscal obstacles to the cross-border portability of social security entitlements and double payment of social contributions are some of the most prevalent challenges encountered by CCS professionals working abroad, often due to differences between Member States in interpreting labour law; calls for a Union-wide approach for CCS professionals working in several countries to benefit from social protection as soon as social contributions are paid;
8. Encourages the Member States to set up new or strengthen existing mobility information points;

### **Fair remuneration, practices and funding**

---

<sup>17</sup>

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



9. Is concerned by the fact that the cultural and creative sectors are considered low-wage sectors, with 38 % of CCS professionals in the lowest three wage deciles<sup>18</sup>; recalls the right of all workers to fair wages that provide for a decent standard of living and welcomes the recent adoption of Directive (EU) 2022/2041 of the European Parliament and of the Council<sup>19</sup>; calls on the Member States to transpose that Directive swiftly, with particular consideration for the cultural and creative sectors;
10. Recalls the importance of copyright and related rights in the cultural and creative sectors and of properly implementing them, ensuring that every type of rightholder is fairly remunerated;
11. Is concerned by abusive and coercive practices that may result in unfair contractual relationships for CCS professionals; draws attention to issues relating more specifically to ‘buy-out’ contracts; requests the Commission to assess and closely monitor the situation in that regard;
12. Calls on the Member States and social partners to commit to the prevention of undeclared work and the eradication of bogus self-employment practices in the cultural and creative sectors, including by strengthening the action of labour enforcement authorities;
13. Considers that Union-funded projects in the cultural and creative sectors, such as Creative Europe, must comply with a set of fair work principles and practices for collaborations in the cultural and creative sectors; asks the Commission to ensure that the next cycle of Union programmes in the cultural and creative sectors complies with such principles, in line with the European Pillar of Social Rights, including via the introduction of social conditionality;
14. Believes that sustainable public funding is fundamental to ensuring a healthy cultural and creative ecosystem; asks the Member States to set a minimum spending target of 2 % of government public expenditure in the cultural and creative sectors;

### **Role of the social partners and collective bargaining**

15. Recalls that CCS professionals have the freedom and right to form and join trade unions and professional organisations to represent them and to participate in the formulation of cultural and employment policies; calls on the Commission to reinforce social dialogue at Union level, ensuring that all cultural and creative sectors are represented;
16. Notes that Member States’ collective bargaining coverage rates in the cultural and creative sectors vary significantly; considers that strong collective bargaining decisively contributes to ensuring adequate minimum wage protection and good working conditions; calls on the Commission and the Member States to ensure, with the involvement of social partners, an enabling environment for collective bargaining in the cultural and creative sectors;

---

<sup>18</sup> Eurofound Labour Force Survey

<sup>19</sup> 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).

17. 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’; calls on national competition authorities to ensure the effective application of the Guidelines; calls on the Commission to monitor the application of the Guidelines by national competition authorities in order to ensure that they are applied consistently;

### **Education, training opportunities and career development**

18. Is concerned by the increasingly limited space devoted to artistic education and sports in national curricula in primary and secondary education; notes with concern that financial barriers often hinder access to higher education in the arts for young people coming from a disadvantaged background; calls on Member States to ensure equitable access to artistic education, in particular higher education;
19. Is concerned by the lack of awareness of, and information provided to, students and young graduates entering the labour market on working practices and conditions, including an understanding of worker and self-employed status;
20. 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 the automatic mutual recognition of diplomas and other qualifications, learning outcomes and study periods abroad;
21. Is concerned by the lack of career transition support systems in place for artists and CCS professionals in need of retraining; calls on the Member States to invest in skills development programmes, technical and vocational education, technical and vocational training systems and lifelong learning schemes, allowing those interested to develop new skills either within or outside the cultural and creative sectors;

### **Workplace harassment and discrimination in the cultural and creative sectors**

22. Notes that the cultural and creative sectors show a very high dependence rate from clients and above average exposure to intimidation and discrimination;
23. 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; 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;

### **Artistic freedom**

24. Insists on the need to ensure freedom of artistic creation and expression throughout Europe; 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 all aspects of freedom of expression, including artistic and academic freedoms;

### **Digital challenges**

25. Is concerned by the effects of increasing automation, which pose a particular challenge to artists and other CCS professionals at risk of losing their jobs or their remuneration rights or of suffering from deteriorating working conditions; calls on the Commission to develop a proactive strategic approach at Union level to anticipate the effects on jobs;
26. Reiterates its call on the Commission to assess the challenges posed by AI-generated content on the cultural and creative sectors;

### **Sports and entertainment sectors**

27. Believes that the entertainment sector, including the sports sector, brings the peoples of Europe closer together through the lived experiences of Union competitions and by the cohesive function of grassroots sports;
28. Emphasises the importance of Union-wide contests and initiatives showcasing the richness and diversity of European culture; calls on the Commission to review and further strengthen contests or initiatives organised exclusively within the Union;

### **Proposals for Union measures**

29. Requests that the Commission submit, on the basis of Article 153(2), point (a), and Article 352 of the Treaty on the Functioning of the European Union, one or more proposals for a decision establishing a comprehensive Union framework for collecting and publishing appropriate data and for encouraging cooperation and the exchange of best practices between Member States with a view to formulating quality standards in areas relevant to the living and working conditions of artists and other CCS professionals, covering both workers and the self-employed, with the full participation of the social partners, following the recommendations set out in the Annex hereto;
30. Considers that any financial implications of the requested proposals should be covered by existing budgetary allocations;

\*\*\*

31. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council, as well as to the Member States.

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

### **Recommendation 1: the general objective of the proposals**

The objective of the proposals 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'). The Framework should comprise one or more decisions setting 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 in areas relevant to the living and working conditions of CCS professionals.

### **Recommendation 2: the establishment of criteria for the recognition of CCS professionals**

The establishment of criteria for the recognition of CCS professionals should facilitate the recognition at Union level of the specific situation of CCS professionals. 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 for those who are not covered by such a status, while promoting transnational work in Europe.

### **Recommendation 3: the scope of the proposals**

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 status as worker or self-employed.

The Framework should focus on the following areas:

- the status of CCS professionals;
- the development of measures to improve CCS professionals' working conditions, in particular to ensure decent remuneration and fair working practices;
- the effective access of CCS professionals to social security and social protection;
- the improvement of representation for, and the collective bargaining of, CCS professionals, in cooperation with the social partners;
- 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 integration of higher arts education in the European Education Area, the automatic mutual recognition of diplomas and other qualifications, 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 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.

#### **Recommendation 4: the specific objectives of the proposals**

The specific objectives of the Framework should be, *inter alia*:

- to improve knowledge on the living and working conditions of CCS professionals, including with regard to the causes and regional differences, by means of evidence-based tools, comparative analysis and relevant methodological instruments for data collection building on the work of relevant actors; in that regard, it is important that Member States regularly collect and publish comprehensive and comparable data on the social and professional situation of artists and other CCS professionals in the Union, including working conditions, levels of remuneration, access to social security and social protection, collective representation and coverage by collective agreements, exposure to forms of discrimination and gender-based violence, and gender equality and artistic freedom; such data should be disaggregated by gender, age, disability, employment status and specific sector as far as possible;
- to improve mutual understanding of different systems and practices to tackle the issues identified, including the cross-border aspects;
- to develop analyses of the effectiveness of different policy measures;
- to establish tools for the efficient sharing of information and experiences, for example a knowledge bank of different practices and measures taken;
- to develop tools, such as guidelines for application, handbooks of good practices and shared principles, for improving the situation in all the areas covered under 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;
- 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' representatives, and relevant Member State authorities.

The Commission should report every two years to the European Parliament and to the Council on its analysis of the situation of artists and other CCS professionals in the Union, on relevant developments and on the implementation of the Decisions.

**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:

<b>Entity and/or person</b>
European Composer and Songwriter Alliance (ECSA)
Culture Action Europe
PEARLE* Live Performance Europe
International Federation of Actors (FIA)
International Federation of Musicians (FIM)
UNI-MEI International Arts and Entertainment Alliance
The European Authors' Societies (GESAC)
International Federation of the Phonographic Industry (IFPI)