

Commented [COMMENT1]:
NOAM

25 February 1999 A4-0103/99

REPORT

on the situation and role of artists in the European Union

Committee on Culture, Youth, Education and the Media

Rapporteur: Mrs Helena Vaz da Silva

DOC_EN\RR\373\373210

PE 229.306/fin.

C O N T E N T S

Page

Procedural page	3
A. MOTION FOR A RESOLUTION	4
B. EXPLANATORY STATEMENT	14

Following a request from the Conference of Committee Chairmen, the President of Parliament announced at the sitting of 19 June 1998 that the Committee on Culture, Youth, Education and the Media had been authorised to draw up a report on the situation and role of artists in the European Union.

At its meeting of 22 April 1998, the Committee on Culture, Youth, Education and the Media appointed Mrs Helena Vaz da Silva rapporteur.

At its meetings of 24 November 1998, 26 January 1999 and 23 February 1999, it considered the draft report.

At the last meeting, it decided to apply the procedure without debate pursuant to Rule 99(1) of the Rules of Procedure and adopted the motion for a resolution unanimously.

The following were present for the vote: Pex, chairman; Palm, vice-chairman; Vaz da Silva, rapporteur; Gröner, Guinebertière, Heinisch, Kuhne, Mutin (for Morgan), Pack, Rynänen, Sanz Fernández, Tongue and Whitehead.

The report was tabled on 25 February 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the part-session at which the report is to be considered.

A
MOTION FOR A RESOLUTION

Resolution on the situation and role of artists in the European Union

The European Parliament,

- having regard to the draft Amsterdam Treaty and in particular, Article 151 thereof,
- having regard to the Recommendation concerning the status of the artist adopted on 27 October 1989 by the UNESCO General Conference,
- having regard to the resolutions and recommendations of the Council of Europe on the situation of artists,
- having regard to the Council of Europe's document 'In from the Fringes' (September 1996) and the Comparative Study of the Cultural Policies of Six Member States (1997),
- having regard to the WPPT Treaty concluded in December 1996 under the auspices of the WIPO,
- having regard to the Commission communication of 12 October 1982 on stronger Community action in the cultural sector (COM(82)0590)(),
- having regard to the Commission communication of 17 December 1987 on a fresh boost for culture in the European Community (COM(87)0603)(),
- having regard to the Commission communication of 25 October 1990 on vocational training in the arts field (COM(90)0472)(),
- having regard to the Commission communication of 8 November 1991 on new prospects for Community cultural action (COM(92)0149)(),
- having regard to the Commission communication of 17 April 1996 on the consideration of cultural aspects in European Community action (COM(96)0160)(),
- having regard to the Commission communication of 20 November 1996 on cohesion policy and culture - a contribution to employment (COM(96)0512)(),
- having regard to the 'Profession: Artist' study commissioned by DG XXII (1996/989),

(b) OJ C 342, 1983, p. 106.

(b)
(b)
(b)
(b)
(b)
(b)

- having regard to the Council resolution of 18 December 1984 on greater recourse to the European Social Fund in respect of cultural workers(),
- having regard to the Council resolution of 13 November 1986 on business sponsorship of cultural activities(),
- having regard to Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs(),
- having regard to the Council resolution of 7 June 1991 on the training of arts administrators(),
- having regard to the Council resolution of 7 June 1991 on the temporary access of artists of European Community origin to the territory of the United States of America(),
- having regard to the conclusions of the Council of 7 June 1991 on copyright and neighbouring rights(),
- having regard to Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property(),
- having regard to Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission(),
- having regard to Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights(),
- having regard to Council Directive 94/5/EC of 14 February 1994 supplementing the common system of value added tax and amending Directive 77/388/EEC - Special arrangements applicable to second-hand goods, works of art, collectors' items and antiques(),
- having regard to the conclusions of the Council of 21 June 1994 on cultural and artistic aspects of education(),

(^b) OJ C 2, 4.1.1985, p. 2.

(^b) OJ C 320, 13.12.1986, p. 2.

(^b) OJ L 122, 17.5.1991, p. 42.

(^b) OJ C 188, 19.7.1991, p. 1.

(^b) OJ C 188, 19.7.1991, p. 2.

(^b) OJ C 188, 19.7.1991, p. 4.

(^b) OJ L 346, 27.11.1992, p. 61.

(^b) OJ L 248, 6.10.1993, p. 15.

(^b) OJ L 290, 24.11.1993, p. 9.

(^b) OJ L 60, 3.3.1994, p. 16.

(^b) OJ C 229, 18.8.1994, p. 1.

- having regard to the conclusions of the Council of 10 November 1994 on the Commission communication concerning European Community action in support of culture(),
- having regard to Decision No 719/96/EC of the European Parliament and of the Council of 29 March 1996 establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope)(),
- having regard to its resolution of 16 January 1981 on the social situation of cultural workers(),
- having regard to its resolution of 18 November 1983 on stronger Community action in the cultural sector(),
- having regard to its resolution of 25 May 1984 on the situation of cultural workers in the Community(),
- having regard to its resolution of 10 February 1988 on the teaching and promotion of music in the European Community(),
- having regard to its resolution of 17 February 1989 on the fresh boost for culture in the European Community(),
- having regard to its resolution of 23 November 1990 on a decision concerning the implementation of the Community vocational training measure in the audiovisual sector(),
- having regard to its resolution of 10 September 1991 on cultural relations between European Community and the countries of Central and Eastern Europe(),
- having regard to its resolution of 11 March 1992 on the situation of artists in the European Community(),
- having regard to its resolution of 21 January 1993 on new prospects for Community Cultural Action(),

^(b) OJ C 348, 9.12.1994, p. 1.

^(b) OJ L 99, 20.4.1996, p. 20.

^(b) OJ C 28, 9.2.1981, p. 82.

^(b) OJ C 342, 19.12.1983, p. 127.

^(b) OJ C 172, 2.7.1984, p. 212.

^(b) OJ C 68, 14.3.1988, p. 46.

^(b) OJ C 69, 20.3.1989, p. 180.

^(b) OJ C 324, 24.12.1990, p. 414.

^(b) OJ C 267, 14.10.1991, p. 45.

^(b) OJ C 94, 13.4.1992, p. 213.

^(b) OJ C 42, 15.2.1993, p. 173.

- having regard to its resolution of 9 March 1994 on foundations and Europe(),

^(b) OJ C 91, 28.3.1994, p. 48.

- having regard to its resolution of 20 January 1994 on Community policy in the field of culture(^(b)),
 - having regard to its resolution of 19 September 1996 on the Green Paper on copyright and related rights in the information society(^(b)),
 - having regard to its resolution of 16 September 1997 on the cohesion policy and culture: a contribution to employment(^(b)),
 - having regard to its resolution of 23 October 1997 on the communication from the Commission: Follow-up to the Green Paper on copyright and related rights in the information society(^(b)),
 - having regard to its resolution of 30 January 1997 on the first report of the Commission on the consideration of cultural aspects in European Community action(^(b)),
 - having regard to its resolution of 5 November 1998 on the proposal for a European Parliament and Council Decision establishing a single financing and programming instrument for cultural cooperation (Culture 2000 programme)(^(b)),
 - having regard to its resolution of 10 February 1999 on the proposal for a European Parliament and Council decision on the harmonisation of certain aspects of copyright and related rights in the information society(^(b)),
 - having regard to the public hearing of 19 May 1998 on the situation and role of artists in the Union in Brussels organised by its Committee on Culture, Youth, Education and the Media,
 - having regard to Rule 148 of the Rules of Procedure,
 - having regard to the report of the Committee on Culture, Youth, Education and the Media (A4-0103/99),
- A. whereas creative work in the arts is the cultural heritage of the future, and constitutes a means of affirming the identity of the peoples of Europe and promoting universal dialogue,

(^{b)} OJ C 44, 14.2.1994, p. 184.
 (^{b)} OJ C 320, 28.10.1996, p. 177.
 (^{b)} OJ C 304, 6.10.1997, p. 40.
 (^{b)} OJ C 339, 10.11.1997, p. 165.
 (^{b)} OJ C 55, 24.2.1997, p. 37.
 (^{b)} Minutes of sitting of 5.11.1998, p. 17.
 (^{b)} Minutes of sitting of 10.2.1999, p. 15.

- B. whereas, according to the definition adopted by UNESCO, an artist is any person who creates or takes part, by means of a performance, in the creation or recreation of works of art, who regards creation as an essential element of his life and who is recognised as an artist, irrespective of whether he has any employment-related or associative ties, and

whereas this definition includes creative artists (including writers), performers and craftsmen,

- C. whereas artistic creation is a specific force in the European economy and whereas the cultural sector is a major source of employment,
- D. whereas culture and creators are important to the process of European integration and whereas that fact must be enshrined in the European Union's framework texts, particularly Agenda 2000,
- E. whereas the European Union's support for pan-European initiatives may make a significant contribution to stimulating the advent of European sponsorship which goes beyond national borders,
- F. whereas the trend towards uniform patterns of thought is above all the result of the standardisation of an audiovisual sector subject to maximum profit requirements, and as such constitutes a threat to the diversity of creative work and to artists' independence,
- G. whereas it is not merely society's duty to support artists, but in its best interests to do so, given their essential role in improving the quality of society's life and the contribution which they make to consolidating democracy,
- H. whereas, despite the increased production and dissemination of works of art and literature and the emergence of veritable cultural industries, the vast majority of artists still find themselves, as the twentieth century comes to an end, living from hand to mouth, a situation unworthy of their social role,
- I. whereas the vigour and vitality of artistic creativity depends above all upon the material and intellectual well-being of artists both as individuals and as a social group,
- J. whereas artists are increasingly dependent on the market as state support continues to fall as a result of the austerity policies adopted by the Member States in recent years,
- K. having regard to the ever-increasing economic importance of arts-linked sectors such as tourism and leisure,
- L. whereas schools in general, and art schools and academies in particular, are not properly equipped to tackle the challenges of the information society,
- M. whereas the arts should become accessible to the public at large, who should be encouraged to take a more active role,
- N. whereas minority cultures are able to strengthen their identity by supporting their young artists,
- O. whereas support for artistic creation and dissemination (while fully respecting the freedom of artists) remains the responsibility of the state, which should find means of fulfilling that responsibility in keeping with the spirit of the age,

- P. whereas, in general, an artistic career progresses in fits and starts, often taking off only after many years,
- Q. whereas a major problem for those working as artists is that their work does not provide them with a source of income on a continuous basis,
- R. whereas the nature of artists' employment means that the traditional social security classification framework cannot be used for artists,
- S. whereas the irregular pattern of artists' incomes means that normal taxation arrangements can place them in real difficulties,
- T. aware of the importance of protecting the moral and material rights to works and to artistic interpretations or performances and to the uses made of the same, and of the need to extend and strengthen such protection,
- U. whereas, in order to facilitate inter-European circulation of artistic works and productions, it may be necessary to consider the implications of differing national social and tax legislation,
- V. whereas the legal and fiscal barriers which impede the work of institutions and foundations seeking to operate at European level need to be removed,
- W. whereas it is important for new cultural forms to be disseminated,
- X. whereas essential factors in developing a 'European spirit' are mobility, free exchange of ideas, the ability to learn from one another, the need to share experiences and to work, create and operate in varied economic and cultural settings and whereas a comparative study of the obstacles to mobility which exist in different countries and social groups would be extremely useful,
- Y. regretting the fact that contacts and exchanges between European artists, i.e. between Union artists and their counterparts in the countries of Central and Eastern Europe, are insufficiently developed,
- Z. whereas the situation of artists in the countries of Central and Eastern Europe has deteriorated greatly, brutally deprived as they are of public support and thrown upon the mercies of an unpredictable and ferocious market,
- AA. whereas the provision of artistic training from a very early age, as a standard practice, is essential if sensitivity to and interest in the arts is to be awakened, particularly amongst today's young people,
- BB. whereas the situation of young artists is particularly precarious in a society where the market predominates, particularly as regards their opportunities for reaching an international audience,

1. Stresses the importance of the social and economic role of artists, both creators and performers, on whose work our future cultural heritage and the quality of our society and of democracy itself depend;
2. Urges the local, regional, national and European authorities to recognise the social, political and economic role played by culture in the development of European society and to act accordingly;

To the Commission

3. Repeats once again its request that a study and comparative statistics on artists be drawn up, and suggests that this be done in cooperation with the Council of Europe and UNESCO, in view of the work already carried out in this field by these organisations;
4. Calls for possible ways of approximating the laws on the social protection of artists to be examined, taking account of the most effective existing Member State legislation, given the specific requirements of the artistic profession;
5. Calls for an examination of possible ways of harmonising the principles governing the tax treatment of works of art and artistic work at Community level, particularly as regards VAT;
6. Calls on the Commission to ensure that its forthcoming proposal on multimedia technology takes account of the fact that it could constitute a threat to the legitimate interests of creative artists and performers;
7. Stresses the importance of sponsorship in the field of artistic creativity, and calls on the Commission to encourage partnerships between foundations and between private companies seeking to develop artistic activities at European level;
8. Wishes the Commission to draw up a proposal on possible new forms of funding the arts at European level, involving either a lottery, an artistic activity support fund financed by means of royalties from works which have entered the public domain, or other forms which have already been tried at national level or which are set up from scratch;
9. Reaffirms the importance of exchanges between European Union and CCEE artists, and urges the Commission, within the framework of Culture 2000 and the PHARE programme, to:
 - promote an exchange programme for young artists,
 - support artist-in-residence exchanges,
 - set up a travel fund for the benefit of artists travelling on an individual basis,
 - support the exchange of artists within the framework of the European cultural networks;
10. Calls on the Commission to continue its efforts with a view to ensuring full recognition of diplomas and study periods in the Union;
11. Calls on the Commission to consider the possibilities of creating a European card for artists (along the lines of the proposed European card for young people) which, in addition

to providing them with certain social and economic benefits, would make it easier for them to move around;

12. Proposes that support be forthcoming for a European Artists' Forum which would regularly bring together creative artists and performers from all areas of artistic work and the whole of Europe, to discuss the problems which they share and their role in our changing society;
13. Calls on the Commission to:
 - step up action on the professional training of artists within the framework of the Social Fund,
 - establish a system of training grants for young artists within the Leonardo programme,
 - ensure that the Socrates programme includes a properly balanced proportion of students doing artistic training;
14. Reminds the Commission of the need for information specifically aimed at artists to be produced;

To the Member States:

15. with regard to the social protection of artists, calls on the Member States to:
 - proceed to adopt special social security funding arrangements involving new forms of financial participation, in which the artists themselves, the public authorities and contribution-paying employers (businesses, clubs, societies and associations, public services) which exploit or use the artists' work would be involved,
 - guarantee adequate social protection providing artists with security during periods when they are not being paid,
 - abolish the concept of time spent working as a condition for qualifying for the various social benefits, and make income from artistic work, on which the artist pays contributions, the sole condition for his or her rights to benefits,
 - reduce the minimum income figures required for entitlement to social security benefits,
 - allow the earnings from artistic activity on which social security contributions have been paid to be calculated on the basis of the whole of the artist's career so that for pension calculation purposes, the bad years are compensated by the better ones,
 - make provision for certain categories of artist, who practise their profession only for a relatively short period of their lives, to have pension rights calculated in terms of the length of their career, and not their age, and where appropriate, grant them professional re-training allowances;
16. Calls on the Member States to discuss in detail the possibilities of bringing the social and fiscal laws of the various Member States as close together as possible on the basis of the Commission's proposals;

17. With regard to taxation, calls on the Member States to:
- spread income over several years in view of the intermittent nature of artistic activity,
 - make a larger deduction for professional expenses,
 - exempt the first public performance or initial sales of a creative work from VAT, as a way of stimulating the market,
 - examine how VAT in different countries affects the sale of works of art of various categories and consider what changes should be made to the existing system,
 - enhance the tax benefits for sponsors (foundations, companies and individuals) by providing exemption for duly recognised foundations, by making tax deductions, and by recognising payment in kind;
 - encourage private individuals to acquire works of art produced by living artists, in particular by setting lower VAT rates and enabling part of the purchase price to be deducted from taxable income;
18. Calls on the Member States to establish amongst themselves a common target of devoting at least 1% of all public funds to encouraging artistic creativity and expression, and to making the acts available to the public;
19. Calls for measures to encourage international exchanges of artists by means of bursaries or loans for travelling and to enable multicultural contacts to take place between Europe's various ethnic communities;
20. Calls on the Member States to encourage amateur artists' organisations by providing them with premises and training opportunities;
21. Calls on the Member States to ensure that artists' professional organisations are involved in the planning of cultural policy and in the drawing up of social and taxation policies concerning them;
22. Calls on the Member States to devote an obligatory minimum of 1.5% of total public works funding to commissioning works of public art or other environmental enhancements, e.g. trees;
23. Calls on the Member States, in the field of education and vocational training, to:
- incorporate training in the arts into compulsory formal education at all levels and for all ages,
 - facilitate the continuing education of artists, particularly in multimedia technology and the 'survival skills' of management and PR techniques, and to support the retraining of certain types of artist,

- encourage the involvement of artists in activities involving the restoration and reutilisation of the cultural heritage so as to strengthen the link between heritage and creativity and the importance of artistic sectors such as craft and design,
 - take account of the particular situation of handicapped artists,
 - strengthen the art education component of all teacher training courses so as to ensure better teaching quality;
 - recognise that art teaching must not be divorced from the practice of living art and ensure that that type of teaching is focused in a way which gives cultural establishments such as theatres, workshops for the plastic arts, multimedia institutes, etc., an important role in artistic training;
24. Encourages local and regional authorities to provide artists with places in which to work, particularly in areas in which artistic activity may constitute a major development factor;
25. Calls on its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the Council of Europe, UNESCO and organisations representing the cultural and artistic sectors at European level.

B.

EXPLANATORY STATEMENT

I. Introduction

The founders of the EC were aware of the importance of culture, a fact which saw the birth of the Council of Europe in 1949, but for many years, what predominated in the EC was economics. Not until 1993 and the Maastricht Treaty do we find an entire article (Article 128) devoted to culture in its own right, stressing the two essential facets of common cultural heritage and national and regional cultural diversity.

Article 128 also refers to the cultural heritage and to artistic and literary creation, and this report has taken these two pairs of contrasting concepts, *European identity/national diversity* and *heritage/artistic creation as its basis*.

It is a simple fact that vitality of the arts of today is what guarantees the quality of tomorrow's heritage. Various recent texts produced by the Institutions reveal a new awareness of culture's potential as an instrument of social policy, a source of employment and a means of fighting exclusion, and its value as a tool of foreign policy, with a role to play in easing enlargement, improving cooperation with third countries and creating a sense of being European.

From this point of view, artists, whether creators or performers, are essential to ensuring that our society is both self-renewing and properly balanced, and this justifies your rapporteur's initiative in drawing up a report on their status in European society.

The arrival of the information society has brought about vast changes. The very definition of culture is changing. The role of the artist vis-à-vis society is also changing, and that being so, the situation of the artist has to change too. In a globalised society, which carries within it the threats of imposed uniformity, mass consumerism and passivity, the artist's role takes on a new significance as the voice which asks questions about the future and argues about the present, goes against the tide, helps society to develop a critical faculty and in general invigorates the entire social fabric.

In other words, artists represent the 'soul supplement' which the Europe of the successful single market and the single currency urgently requires. Artists are necessary to social and political progress. Society has not merely a duty to concern itself with artists' problems, it is also in society's own best interests to help artists to live and to work. In the EU only 20% of artists have an 'adequate' income, and a mere 4 to 5% are 'successful'. If society takes proper cognisance of just how important artists are to its own survival, this situation could change - as it must.

UNESCO's 27 October 1980 Recommendation concerning the status of the artist defines an artist as 'any person who creates or gives creative expression to, or recreates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognised as an artist, whether or not he is bound by any relations of employment or association'.

This definition covers all the various categories of artists, both creative and performing - writers, sculptors, film-makers, actors, dancers, musicians, etc., and implies various statuses; the problems, moreover, of independent artists and salaried artists are quite specific.

This report seeks to highlight the problems shared by most European artists, while stressing the fact that in the cultural field, there is more than one Europe, and the East/West circulation of artists should be an EU political and cultural priority.

II. Artists' economic and social situation

Astoundingly, no effort has been made at European level to index the socio-professional legislation which applies to artists within the Union. These arrangements are so diverse - not only between Member States, but even within each and every country - that no coherent European structural framework can be adumbrated.

1. Employment and income

Artists occupy a very particular place within the labour market, since the salient features of their working life are:

- a great number of employers,
- sporadic employment, with the inevitable concomitant unemployment,
- unavoidable mobility,
- poor and unpredictable income levels, on the basis of extremely variegated payment (salaries, fees of various kinds, royalties, resale rights, participation fees, etc.),
- dependence on intermediaries of various kinds (agencies, publishers, producers, gallery-owners, etc.),
- the risk factor of creativity and results, with the recurrence being essentially dependent on public success,
- combining artistic work with another, waged job, whether on a self-employed basis or as a government employee, a practice which is irregular but frequently indispensable.

Moreover, the long hours of practice and improving technique demanded by professional artistic careers, above all in the performing arts, are unpaid.

Disparities in artist's income levels are greater than those of other professions, with stars earning vastly more than their colleagues.

Inadequate financial rewards, and the sporadic nature of artists employment, mean that many artists have to take another job whether as a teacher, journalist, critic or taxi-driver, at the expense of the time needed for honing their skills. Artists are often underemployed or unemployed, but the conditions they have to meet in order to receive benefit are positively draconian:

- they must not be in receipt of payment of any kind;
- they must be out of work (self-employed artists, by definition, cannot be out of work and therefore are not entitled to unemployment benefit);
- they have to take whatever job they are offered, no matter how inappropriate.

Particularly unfair is the situation in which handicapped artists find themselves: they are frequently not paid for their work, because the state benefits they receive as handicapped persons would be jeopardised or even withdrawn.

2. Social security

Social security cover varies on the basis of whether an artist is independent or waged, with the former having only a limited range of benefits available to them. In order to qualify for social security under standard arrangements, artists frequently have to meet two conditions:

- they have to have worked a minimum number of days or hours during the period in question;
- they need to have earned a minimum amount on which their employer has paid contributions.

These conditions are rarely met. Paradoxically, those who can most easily get social security if they are unemployed, ill or whatever, are well-known, high-earning artists. Artists often pay contributions under both schemes - i.e. for the waged and the self-employed.

Whatever field they work in, artists should enjoy flexible social security arrangements which cover all or at least some of the following: unemployment, sickness and invalidity, maternity, retirement and survivor's pensions, accidents at work and professional ailments.

3. Taxation

Here again there are disparities between Member States: artists enjoy more favourable taxation schemes in Ireland and the Nordic countries. Tax arrangements for self-employed artists are different from those for artists on a salary, and most of the problems concern only the self-employed, who may have to pay a tax simply because they have undertaken a given activity, or a tax on the 'turnover', or a tax on profits.

Certain states do not apply VAT to new works of art, but others do. If craftsmen are paying VAT, the high cost of their skilled services has the knock-on effect of jeopardising the survival of a whole range of arts-related professions and thus the conservation of sections of Europe's cultural heritage.

The universally applied system of incremental taxation on the basis of income is only justified when the income in question is relatively stable from one year to the next. In other words, the system penalises artists on irregular incomes. They should enjoy more flexible tax arrangements, which spread their income over several fiscal years, as is already the case in Germany, France, the UK, Denmark, Greece, Luxembourg and the Netherlands.

Moreover, larger deductions for professional expenses should be the rule for all artists. National administrations do not always understand the justification for certain expenses required for artistic work, and lists of what deductions can be made for each artistic discipline should perhaps be drawn up.

With regard to prizes, subsidies and bursaries granted to artists, in some Member States these are either taxed at lower rates or not at all.

4. Professional associations

Artistic freedom, and the basically individualistic way in which artists operate, makes them disinclined to join operations or pre-existing organisations. Certain sectors and jobs in the arts world have higher levels of union membership than others, varying according to age and Member State. Since the 1980s, trade union associations and collective negotiation in general

have taken a beating. On the other hand, certain professional organisations are very active at international level

III. Artists' sources of income

1. Intellectual property rights

Intellectual property rights, i.e. the monetary rights conferred on an artist by the use of his work is to all intents and purposes his salary.

Intellectual and artistic property are laid down by the 1886 Bern Convention, revised to cover cinema in 1971, computer programmes in 1991 and multimedia in December 1996. As regards application of the Convention, there are two approaches, the Anglo-Saxon idea of copyright and the European concept of author's rights. In the latter instance, the creator remains sole master of his or her work, with fees being paid to him or his successors for 70 years after his death, and it is his right to authorise or ban the dissemination and use of his work. Performing artists' rights are covered by the Rome Convention of 26 October 1961.

It has been clear for several years now that the EU institutions have grasped the idea that by protecting authors' rights, which are the bulwarks of creative freedom, they are safeguarding culture and its future in Europe. Without authors' rights, culture becomes merely an industrial product. Several directives have been adopted, and several of them have already been transposed into national legislation. The explosion of the information society, in which we have the phenomenon of a single medium carrying music, visual images, plastic arts, literature, newspaper articles and so forth, each of which is governed by different legislation and different intellectual property rights bodies, has led the Commission to submit a proposal for a directive on harmonising certain copyright and neighbouring rights in the information society, on which Parliament will be voting shortly. With regard to the protection of the rights of performing artists, the harmonisation envisaged is simply unsatisfactory, because audiovisual broadcasting, the biggest money-earner, is still not protected at Community level. The performer, the physical person performing a literary or other artistic work, should in any case have a permanent right to information about and control over the use made of his or her performance.

2. Member State support

Democratic societies fully accept the idea that it is inappropriate for the state to direct or even provide pointers for artistic creativity. But if creativity is to blossom fully, support is required.

The various forms which the role played by the state can take include:

- reinforcing the artist's status by legislative measures and rules, particularly in the social and fiscal spheres,
- implementing aid and material support policies for artists involving bursaries, prizes, commissions and purchases,
- encouraging professional training for artists, and providing opportunities for them to study and work abroad,
- inviting artists to take part, whether individually or via professional organisations, in the life of the local communities in which they work,
- enabling everyone to acquire the training they need in order to develop their artistic talents,
- making studio and workshop space available to artists and performers,
- creating conditions which allow artists to participate as such in the school system.

3. Patronage and sponsorship

The sources of support other than public funding are private enterprise and foundations providing patronage and sponsorship. We should also mention individual sponsorship, which allows any individual citizen to contribute to the arts and public life, while enjoying controlled tax benefits.

A mixture of private and public support is often a good guarantee of artistic independence. For years now, commercial companies have made great use of the sponsoring of cultural activity in order to promote their image - in France, the UK and Germany there are numerous examples of a full-blown marriage between given companies and cultural projects - but such sponsoring normally involves prestigious names, thus excluding young artists and small institutions.

Furthermore, cultural sponsorship, which was so popular in the 1980s, now seems to be losing out to humanitarian causes and expressions of social solidarity. There are even companies which are now selling off the major art collections they built up only a few years ago, a phenomenon which is not without its effect on the art market.

The Commission ought to study these contradictory trends as regards art sponsorship by major European undertakings, so as to clarify the future outlook for sources of arts funding.

No such thing as European arts sponsorship yet exists. Sponsorship takes place at national and even regional level, which is rather paradoxical given the speed at which large companies are becoming international. However, any company which wished to tackle the European dimension would find itself spoilt for choice: it could introduce one Member State to works of art from another, support transnational initiatives within the framework of the 'European cultural capital' scheme, fund large-scale European projects promoting young artists, such as the EC Youth Orchestra and the European Opera Centre, or support European multimedia production.

IV. Artists' mobility

Geographical mobility is essential to artists, since confrontation and exchange of ideas is essential to the creative process. Artists need to have the possibility of working away from their normal surroundings in order to refresh their creative drive. This need for geographical mobility offers an ideal window of opportunity for Union action, and the first to benefit from such action should be artists from the candidate countries; your rapporteur circulated a questionnaire in those countries and received many replies expressing strong interest. Studying and working abroad is of course not without its problems, and back-up measures are essential if such programmes are to be successful. Sometimes, the reasons for leaving one's native country are basically economic or even commercial.

The international dimension undoubtedly helps establish an artist's international reputation and enrich his work, and it also gives the artists native country an international profile, a fact of fundamental importance to smaller countries above all.

V. Education and Training

The society of the future will be a cognitive society, which means that education and training must be put at the very heart of Europe's priorities, for they will be the main determinants of people's self-identification, sense of belonging, working careers and personal development. The

culture with which education and training invest the individual should be one which embraces humanism, science and the arts. Fresh links between culture and the education system need to be encouraged, therefore, in order to guarantee that culture and the arts are fully acknowledged as an essential part of every individual's education, and it will also be necessary to ensure that education in the arts is expanded and that creativity is stimulated in all educational and training programmes on a life-long basis. Education in the arts should aim to reach all students, whether or not they wish to make a career in the arts. The European Institutions have already highlighted the importance of all this: the Council encouraged the development of these ideas in its 21 June 1994 conclusions on the cultural and artistic aspects of education, the European Parliament adopted various resolutions on the issue, and in 1994 the Commission launched a Community initiative in the field of arts education and training (which has not had the hoped-for impact). As regards cultural training, as far back as 1990 the Commission submitted a proposal seeking to:

- facilitate the movement of artists at different stages in their training,
- improve access to cultural training,
- facilitate the movement of artists by ensuring recognition of their qualifications.

However, much remains to be done at European level in the education and training field, not only in respect of harmonising degrees and diplomas, but also as regards course content, with a multicultural, interdisciplinary approach being taken to teaching the arts. Moreover, artists themselves need to be involved alongside teachers in both primary and secondary schools as well as in adult education. This is not unproblematic, given for example the inevitable clash between trained teachers and artists without teaching qualifications. However, successful experiments like MUS-E show that this innovative approach is one that must be followed up. In most European countries, artists are not allowed to teach, unless they have specific teacher training. This is not the case in the USA. But art cannot be introduced into schools simply by turning artists into government employees; the system itself must become more flexible, and interdisciplinary slots must be created in which artists and teachers can cooperate. Artists need to be involved on a pedagogical basis in museums, theatres and opera houses - not as teachers, which many of them have no desire to be, but as experts. Creating opportunities for artists to 'recycle' their skills is absolutely essential, particularly in the multimedia sphere, and as regards the acquisition of survival skills - understanding the rules of the market, the workings of publicity and public relations.

New technology has been introduced into education by all the Member States more or less across the board. But much remains to be done as regards making proper use of new technology to stimulate creativity and enable the public at large consciously to appreciate the masterpieces of world culture.

Artistic education is generally speaking compulsory only in primary schools, and even there, the scope is limited, because there is no interdisciplinary dimension. The arts need to be introduced into the secondary curriculum not as a option, but as a subject enjoying the same status as history or science.

Painting, drawing and modelling play an important role in the education of the children of immigrant communities whose mastery of the host country's language is less than complete; greater use should be made of these activities in teaching other disciplines, since it would help enhance young people's artistic sensibilities.

Life-long learning, a central plank of Community education policy, should be extended to include artistic education, by creating opportunities for artists and teachers of the arts to recycle their abilities, and by encouraging people of all ages to educate themselves in this area.

VI. Conclusion

In our rapidly changing society, the role of artists is taking on a fresh significance. Artists could be important agents of social and cultural progress. Making the general public familiar with the arts, and providing a broad-based general arts education will give rise to an entirely new quality of life, by making European citizens more sensitive to the values of harmony and peace, and developing their critical faculties. However, all the parties concerned will have to contribute to bringing about this change:

- the Member States will have to adjust their social, fiscal, cultural and educational policies with a view to giving the arts and human creativity their proper place;
- the European Union will have to carry out studies and make proposals that will allow the Member States to apply one another's best practices, harmonise laws where necessary, and establish programmes which will step up both commercial and non-commercial cultural exchanges at all levels;
- artists will have to show willing as regards adapting to the new environment, and acquiring the survival skills they need in order to make their voices heard and understood in our information society;
- educational establishments teaching the arts will need to adjust their curricula to the multi-cultural, multimedia society in which their young products will have to work.