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24. Calls on the EU to reaffirm and consolidate its firm position regarding the concerns raised above, especially regarding the UPR and the review of Special Procedures, which are crucial for the effective future functioning of the UNHRC; calls on the EU to reject any compromise that would put at risk the capacity of the UNHRC fully to play its role of protecting and promoting human rights throughout the world;
25. Once again calls on the EU to make more effective use of its aid and political support for third countries, so as to give them an incentive to cooperate with the UNHRC;
26. Considers that the EU Member States should act coherently and in a coordinated way in order to contribute to the success of the UNHRC;
27. Looks forward to receiving the studies commissioned by the Subcommittee on Human Rights concerning the human rights records of the members of the UNHRC and the effectiveness of the role played by the EU Member States in the UNHRC;
28. Calls on the countries which have entered into agreements with the EU that include human rights clauses to cooperate with the EU in increasing the UNHRC's potential to enhance human rights around the world; calls on the European Parliament's interparliamentary delegations and assemblies to examine this aspect at their meetings;
29. Mandates the European Parliament delegation to the fifth session of the UNHRC to voice the concerns expressed in this resolution, calls on the delegation to report to the Subcommittee on Human Rights on its visit, and considers it appropriate to continue sending a European Parliament delegation to relevant sessions of the UNHRC;

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30. Instructs its President to forward this resolution to the Council and the Commission, the governments and parliaments of the Member States, the UN Security Council, the UN Secretary-General, the President of the 61st UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the EU-UN working group established by the Committee on Foreign Affairs.

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The social status of artists

European Parliament resolution of 7 June 2007 on the social status of artists (2006/2249(INI))

The European Parliament,

- having regard to the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
- having regard to the Communication from the Commission entitled 'Non-discrimination and equal opportunities for all — a framework strategy' (COM(2005)0224),
- having regard to the Commission Green Paper entitled 'Modernising labour law to meet the challenges of the 21st century' (COM(2006)0708),
- having regard to its resolution of 22 October 2002 on the importance and dynamics of the theatre and the performing arts in an enlarged Europe ⁽¹⁾,

⁽¹⁾ OJ C 300 E, 11.12.2003, p. 156.

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- having regard to its resolution of 4 September 2003 on Cultural Industries ⁽¹⁾,
 - having regard to its resolution of 13 October 2005 on new challenges for the circus as part of European culture ⁽²⁾,
 - having regard to Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽³⁾,
 - having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽⁴⁾,
 - having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽⁵⁾,
 - having regard to its resolution of 9 March 1999 on the situation and role of artists in the European Union ⁽⁶⁾,
 - having regard to Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property ⁽⁷⁾,
 - having regard to Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights ⁽⁸⁾,
 - having regard to the judgment of the Court of Justice of 30 March 2000 in Case C-178/97, *Barry Banks and Others v Théâtre Royal de la Monnaie* ⁽⁹⁾,
 - having regard to the judgment of the Court of Justice of 15 June 2006 in Case C-255/04, *Commission of the European Communities v French Republic* ⁽¹⁰⁾,
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A6-0199/2007),
- A. whereas art may also be considered as an occupation and a profession,
- B. whereas the abovementioned judgments and Directive 96/71/EC specifically apply to the activities of performing artists,
- C. whereas, in order to engage in an artistic activity at the highest level, it is necessary from a very early age to develop an interest in the performing arts and culture and hold the keys that give access to the major works which form part of our cultural heritage,
- D. whereas, in a number of Member States, certain arts sector professionals do not enjoy any legal status,
- E. whereas flexibility and mobility are indissociable in the context of professional artistic activity,

⁽¹⁾ OJ C 76 E, 25.3.2004, p. 459.

⁽²⁾ OJ C 233 E, 28.9.2006, p. 124.

⁽³⁾ OJ L 149, 5.7.1971, p. 2.

⁽⁴⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁵⁾ OJ L 167, 22.6.2001, p. 10.

⁽⁶⁾ OJ C 175, 21.6.1999, p. 42.

⁽⁷⁾ OJ L 376, 27.12.2006, p. 28.

⁽⁸⁾ OJ L 372, 27.12.2006, p. 12.

⁽⁹⁾ [2000] ECR I-2005.

⁽¹⁰⁾ [2006] ECR I-5251.

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- F. whereas no artists are ever at any moment in their career totally immune from job insecurity,
- G. whereas it is essential for the unpredictable and sometimes precarious nature of the artistic profession to be offset by a guarantee of genuine social protection,
- H. whereas nowadays it is still practically impossible for an artist in Europe to contemplate a change in career direction,
- I. whereas it is necessary to provide artists with easier access to information concerning their working conditions, mobility, unemployment, health and pensions,
- J. whereas artistic leanings, natural gifts and talent are rarely sufficient to open the way for a career as a professional artist,
- K. whereas contracts for the provision of training and/or qualifications adapted to each field of artistic activity have not yet been introduced sufficiently widely,
- L. whereas retraining opportunities for artists should be encouraged,
- M. whereas the free movement of workers in general, including artists, from the new Member States is still subject to certain restrictions due to possible transitional arrangements as provided for in the accession treaties,
- N. whereas artistic productions frequently involve not only European but also third-country performers whose mobility is often restricted by difficulties in obtaining medium-term visas,
- O. whereas artists are generally present in a Member State for short periods only (less than three months),
- P. whereas all the problems relating to cross-border mobility, which is the principal feature of an artistic career, highlight the need for specific measures in this area,
- Q. whereas it is essential to make a distinction between amateur and professional artistic activity,
- R. whereas the teaching of artistic activities should be effectively incorporated in Member State syllabuses,
- S. whereas the abovementioned Unesco Convention provides an excellent basis for recognition of the importance of the activities of professional creative artists,
- T. whereas Directive 2001/29/EC requires Member States, which have not already done so, to provide for fair compensation for authors in respect of exceptions or limitations regarding reproduction rights (reprography, private copying, etc.),
- U. whereas Directive 2006/115/EC sets out the exclusive rights of performing artists in particular and their rights to equitable remuneration, which cannot be waived,
- V. whereas copyrights and moral rights of authors and performing artists in this respect constitute recognition of their creative work and their contribution to culture in general,
- W. whereas artistic creation contributes to the development of cultural heritage and draws on past works, conserved by the State, for inspiration in this respect,

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Improving the situation of artists in Europe

Contracts

1. Calls on the Member States to develop or implement a legal and institutional framework for creative artistic activity through the adoption or application of a number of coherent and comprehensive measures in respect of contracts, social security, sickness insurance, direct and indirect taxation and compliance with European rules;
2. Stresses the need to take account of the atypical nature of an artist's working methods;
3. Stresses, in addition, the need to take into consideration the atypical and precarious nature of all professions relating to the performing arts;
4. Encourages the Member States to introduce contracts for the provision of training or qualifications in artistic professions;
5. Recommends, accordingly, that Member States encourage the recognition of professional experience acquired by artists;

Protection for artists

6. Calls on the Commission and the Member States, after consultation with the arts sector, to introduce a Europass-type 'European professional register' of artists, containing details regarding their status and the nature and successive duration of their contracts and details concerning their employers or the service providers recruiting them;
7. Encourages Member States to coordinate more effectively and improve the exchange of good practice and information;
8. Urges the Commission, in cooperation with the sector, to draw up a comprehensible standard practical handbook for European artists and the authorities dealing with them, containing information on all current sickness insurance, unemployment and pension provisions at national and European levels;
9. Calls on the Commission and Member States, on the basis of the applicable bilateral agreements, to consider possible measures to ensure the transfer of pension and welfare entitlements acquired by artists from third countries when they return to their countries of origin and to ensure that work experience gained in a Member State is taken into account;
10. Urges the Commission to launch a pilot project introducing, on an experimental basis, a European electronic social security card specifically intended for European artists;
11. Takes the view that such a card, containing all relevant information concerning the artist, would resolve a number of problems inherent to his profession;
12. Stresses the need to distinguish between mobility specifically relating to artists and that relating to workers in general in the EU;
13. In this respect, calls on the Commission to assess what progress has been made regarding mobility in this specific area;
14. Calls on the Commission formally to identify the areas of cultural activity facing the greatest risk of creativity drain and talent loss, and urges the Member States to provide incentives for their artists to remain within or return to a Member State;

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15. Moreover, calls on the Member States to give particular attention to the recognition at Community level of diplomas and other qualifications issued by all European conservatoires, arts academies and other official schools for the performing arts enabling their holders to work and study in all Member States, in accordance with the Bologna Process; in this connection urges the Member States to promote formal arts studies providing high-quality personal and vocational training enabling students to develop their artistic talents and at the same time a good general education opening up prospects in other professional fields; stresses also the importance of proposing measures at European level to facilitate the recognition in the European Union of diplomas and other qualifications issued by national conservatoires and arts academies in third countries so as to facilitate the mobility of artists seeking to enter a Member State;
16. Calls on the Commission to adopt a European charter concerning artistic creation and the conditions for engaging therein, on the basis of an initiative such as that adopted by Unesco, so as to reaffirm the importance of professional artistic activity and facilitate European integration;
17. Calls on the Member States to eliminate all types of restriction regarding access to the employment market for artists from the new Member States;
18. Calls on the Member States, which have not already done so, to organise effectively, in accordance with Directive 2006/115/EC and Directive 2001/29/EC, the payment of all equitable compensation in respect of reproduction rights and equitable remuneration owing to holders of copyrights and associated rights;
19. Urges the Commission to carry out a survey analysing measures by the Member States to effectively ensure that holders of copyrights and associated rights receive equitable compensation owing for the legal exceptions applied by the Member States in accordance with Directive 2001/29/EC and for the legal exploitation of their rights under Directive 2006/115/EC;
20. Urges the Commission to carry out a survey analysing measures by the Member States to earmark some of the revenue generated by the payment of equitable compensation owing to the holders of copyrights and associated rights as aid towards creative activity and the social and financial protection of artists and to analyse the legal instruments and tools which could be used to provide funding for the protection of living European artists;
21. Believes that it would be appropriate for Member States to consider possibly providing artists with assistance over and above what they currently receive, providing for a levy on the commercial exploitation of original works and their performance free of copyright;

Visas: mobility and employment of third-country nationals

22. Stresses the need to take account of the difficulties currently being encountered by a number of European and third-country artists as a result of visa requirements with a view to obtaining work permits and the attendant uncertainties;
23. Points out that artists with short-term employment contracts currently find it difficult to fulfil the conditions for obtaining visas and work permits;
24. Calls on the Commission to reflect on current visa and work permit arrangements applicable to artists and to begin drawing up Community rules in this area which could lead to the introduction of a specific temporary visa for European and third-country artists, such as that which already exists in some Member States;

Lifelong training and retraining

25. Calls on the Member States to create specialised training structures for those working in the cultural sector with a view to developing a genuine employment policy in this area;

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26. Calls on the Commission to gather all existing research and publications, and to make a survey evaluating the current situation regarding provision in the EU for work-related illnesses which are specific to artistic activities, such as arthritis;

27. Recalls that all artists are permanently involved in their activity which is not limited to the time taken by their artistic renditions or performances;

28. Observes, in this respect, that time spent by artists on rehearsals is to all intents and purposes effective working time and that it is essential to take into consideration all such periods of activity in establishing their career histories both during periods of unemployment and for pension purposes;

29. Urges the Commission to assess the real level of European cooperation and exchange as regards vocational training in the performing arts and promote such measures within the framework of the programmes for Lifelong Learning and Culture 2007 and European Year for Education and Culture in 2009;

Towards a restructuring of amateur activities

30. Stresses the need to support all artistic and cultural activities targeted at those who are socially deprived with a view to integrating them more closely;

31. Stresses the importance of amateur artistic activities as a crucial element in bringing together local communities and in building a citizen's society;

32. Stresses that artists, without special formal training, who aspire to a professional artistic career should be well informed about certain aspects of the profession;

33. Accordingly, urges the Member States to encourage and promote amateur activities with constant reference to professional artists;

Guaranteeing artistic and cultural training from the earliest possible age

34. Calls on the Commission to draw up a survey of education in the field of art in the E U (content, nature of the training provided — formal or otherwise — results obtained and career opportunities) and to forward to Parliament the findings thereof within two years;

35. Urges the Commission to encourage and promote mobility for European arts students by stepping up programmes for the exchange of students from national conservatoires and arts academies both inside and outside Europe;

36. Calls on the Commission to provide funding for measures and pilot projects making it possible to identify appropriate models for art education at school through the introduction of a European system for the exchange of information and experiences for the benefit of arts teachers;

37. Calls on the Member States to step up training for arts teachers;

38. Requests the Commission and Member States to investigate the possibility of creating an Erasmus-type European mobility fund for the exchange of teachers and young artists; recalls, in this connection, its concern to increase the European budget for culture;

39. Calls on the Commission and Member States to launch an information campaign as a guarantee for the quality of art education;

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40. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.
