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# **The status and working conditions of artists and cultural and creative professionals**

## **Conclusions and recommendations**

### **European Expert Network on Culture and Audiovisual (EENCA)**



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# Conclusions and recommendations

## Concluding remarks

At the time of writing, this study on **the working conditions of artists and creative professionals** have become more pertinent and urgent than ever, even more so than during the 2008 economic crisis, of which many artists and creative professionals are still suffering the consequences. The current context of the COVID-19 pandemic has demonstrated once more the vulnerability of artists and cultural and creative professionals. The difficulties in staging large gatherings of people due to social distancing rules (with a view to containing the spread of the virus) has meant that live performance venues (such as theatres, concert halls, music bars, dance houses), as well as libraries, cinemas, creative hubs, cultural centres, are being closed down for some time. The financial risks associated with these closures are mostly being borne by the artists and cultural and creative professionals themselves. In particular, in small structures, artists often don't have financial liquidity to cover running costs, even with government support. When this support stops, they may not be able to start up again. Additionally, next to the current impossibility to present work, it is also, in many cases, not possible to produce work, with rehearsals and physical meetings also being cancelled. Moreover, international touring is currently on hold.

This study has shown that in regards to working conditions for artists and creative professionals:

- Those working in the sector are likely to have a **complicated employment status**, and are more likely to be self-employed, freelancers, employed short-term, or in a combination of employment and self-employment. Project-based work and **inconsistent work patterns** are a key feature of work for artists, and, cultural and creative professionals.
- A large number of artists and cultural and creative professionals are **self-employed**, which leads to precarious working conditions, including lack of regular income (periods of inactivity), relatively low average income levels, less access to social security compared to employees and unfavourable tax regulations, limited access to external finance and limited possibility for (continuous) vocational training, depending of the country. In 2019, 32% of workers in the cultural and creative sectors in the EU-27 were self-employed compared to 14% in the total workforce.
- The labour market situation of **employees** is characterised by a succession of temporary contracts, relatively low incomes compared to other sectors. Artists and creative professionals are in a situation where (over-)work tends to be required and/or expected, often without any additional remuneration.
- Many artists take **secondary jobs**, which can provide access to some degree of (social) security, but limit the time for artistic or creative endeavours. These jobs can be either within the cultural and creative sectors (CCS), or beyond.
- Lack of **collective bargaining practices** in the CCS contribute to poor job quality, low income and limited social protection, and focus normally only on employees and not on the self-employed.
- For certain **groups of artists** and creative professionals, in particular women, young people and disabled people, there is a higher likelihood of precarious working conditions.
- **Cross border mobility** is a common characteristic in the CCS. Although it brings about certain benefits (more working opportunities and thus more

possibilities to ensure a continuous income, international reputation...), it also entails important challenges, in particular in relation to social protection and taxation.

- Several Member States have **specific legislation** that provides some degree of (employment/professional) status to artists, aiming to provide access to social benefits, however this is less the case in other countries.
- **Freedom of artistic expression** remains a challenge, even in some EU countries. In the context of the current COVID-19 crisis, there are also concerns that civil liberties are under threat, which could be used to suppress artistic freedom.

## Recommendations

Based on the results of the study, recommendations are offered by the authors, based upon the research carried out in consultations with stakeholders. The recommendations are presented addressing/in order of the topics discussed in this report, and are directed at the European Commission, EU Member States and the sector itself.

General recommendations related to working conditions are presented, followed by recommendations relating to the cross border mobility of artists. Recommendations related to funding, career development and freedom of artistic expression are also provided.

In the final phase of this study, the COVID-19 pandemic reached Europe. Due to its strong impact on the CCS, this section starts with recommendations specifically related to policies developed to mitigate the impact of the COVID-19 pandemic and its consequences on working conditions of artist and cultural and creative professionals. It is important that a long-term perspective is taken, with a strategic focus on rebuilding the current frameworks in which artists and creative professionals function.

It needs to be **ensured that EU level and national funds are used to support the CCS** in the short term, medium and long term and that these funds quickly arrive to the ones that need them the most, in particular independent artists often living under precarious conditions. Sharing of good practice at different levels (EU, national, regional, local and stakeholder organisations) could help this process and highlight bottlenecks and success stories.

It is also important to **integrate culture and the arts into economic and social regeneration strategies** recognising their value for the well-being of citizens, as well as their power to unite people, even in times when it is impossible to come together physically.

The European Commission should collect and disseminate good practice and inform Member States of policies and measures that are available to those working in the CCS. Short-term policies to alleviate the negative impact due to the COVID-19 crisis on CCS that are or can be taken by local, regional and national authorities include:

- Continuation of the support programmes and grants. Provide guarantees that grants do not have to be paid back in case the output cannot be delivered due to the COVID crisis;
- Extra instalments for payments of grants, so that the money can be received fast to help bridge the negative impact of the COVID crisis;

- Delay, or entirely waive, rent payments for government-owned buildings used by cultural and creative organisations and incentivise private owners to do likewise;
- Creation of emergency and hardship funds for the cultural and creative sectors taken from other non-cultural budget lines especially dedicated to mitigating the consequences of the COVID-19 crisis; ensure that CCS get a fair share from general COVID funds both at EU and national/regional levels;
- Grant artists and cultural professionals access to unemployment payments and social benefits and compensate their losses caused by the COVID-19 crisis;
- Apply a maximum flexibility within different existing funding schemes, allowing beneficiaries to decide whether they should postpone, cancel or transform activities, and/or extend the cycle of the funded project;
- Support the initiatives which organisations, artists and cultural and creative professionals are developing to reach their audience digitally. This should however not replace regular subsidies for live creation, presentation and touring;
- Initiate a far-reaching debate on the current nature of the status of the artist with a view to ensuring sustainability of artists' careers, practices and activities, as well as artists' freedom of expression, social and financial recognition, and individual well-being.

In the future, it is important that the **implementation and impact of these measures is monitored and evaluated**. A situation such as the current COVID-related one in which policy makers provide support to the CCS sectors is unprecedented and the support is temporary. It offers, however, opportunities to assess which type of support is the most beneficial to the sector and which type of support has the most positive impact on the working conditions of artists and cultural and creative proposals.

### **General recommendations to improve the status and working conditions**

EU Member States and European institutions should **recognise the fundamental role culture plays within society** and should provide support for culture, cultural diversity and cultural rights, freedom of artistic and cultural expression, recognising its intrinsic value as well as its economic contribution. Member States and European institutions should therefore recognise the value of culture that is provided by artists and creative professionals with regards to social, economic and societal impact. It is important that Member States also take **measures to ensure fair working conditions** for artists and cultural and creative professionals.

**Policy makers and stakeholders should mitigate the effects on society where self-employment is becoming more and more prevalent** and standard employment relationships are changing, by taking the necessary measures to protect workers. As recommended by **EU Member States experts within the OMC group** on Innovation and Entrepreneurship in cultural and creative sectors: "**Ensure social protection for CCS professionals**: Policy frameworks designed to foster innovation in the cultural and creative sectors should make special provisions to enable all the professionals of these sectors to be creative and innovative. This can be done by ensuring that those who work on a project or other unconventional basis have access to appropriate employment rights and labour rights."<sup>1</sup>

<sup>1</sup> EU OMC report « The role of Public Policies in Developing Entrepreneurial and Innovation Potential of the Cultural and Creative Sectors (2018), <https://op.europa.eu/en/publication-detail/-/publication/5d33c8a7-2e56-11e8-b5fe-01aa75ed71a1/language-en/format-PDF/source-68820857>, page 38

Artists and professionals should be more involved in **dialogue between policy makers regarding working conditions and related policies**. It is highly important that self-employed artists and professionals (men and women alike) are involved in such dialogues. A bottom-up approach would ensure that the challenges faced in practice by artists and cultural and creative professionals are heard and considered and can lead to fresh insights and ideas.

**Member States need to ensure that organisations representing self-employed are included in sectoral dialogues.** Member States and representative organisations in the CCS should incentivise self-employed workers active in the sector to join national organisations and to inform them on the importance of participation. In addition, the **conflict between labour law rights and competition law should be resolved** so that all artists, including the self-employed, adequately enjoy freedom of association, the right to collective bargaining and the related beneficial outcomes.

Recently, there have been calls for a “**European Artists’ Status**”. For example, in its **Policy statement on the Cultural Recovery of Europe**<sup>2</sup>, IETM calls for an “**EU Framework for working conditions of artists and creative workers**: The measures, taken by European national governments to mitigate the impact of the COVID-related social distancing on the cultural sector, vary widely from country to country. Moreover, some Member States have no, or insufficient, legislative basis on the status of artists and various aspects of artists’ working conditions. This deepens the existing gaps between cultural communities across the EU and can hinder the pan-European cultural collaboration in the future. Therefore, the European institutions should launch a **European Framework for working conditions of artists and creative workers, providing a set of principles and recommendations**, which would trigger legislative and non-legislative activity at the Member States level, on most crucial issues related to socio-economic conditions of artists, such as contracts, taxes, wages, social benefits, mobility issues, and many more. Such a framework should be based on the recognition of the atypical nature of artists’ work and the acknowledgement that their situation requires improvement.”

On the 14<sup>th</sup> September 2020, a majority of the Members of the European Parliament adopted the Resolution on **Cultural Recovery of Europe**, which sets the vision on how the European institutions and the Member States should address the recovery of the cultural and creative sectors, and how culture can be a key driver in the recovery of Europe.<sup>3</sup> The Resolution highlights the social and intrinsic values of culture in addition to its economic assets, recognises the atypical nature of work in the cultural and creative sectors (specific economic models, mixed and irregular incomes, etc.) and the impact of the COVID-19 pandemic on the cultural sector. Furthermore, the text also looks into the social rights and working conditions of artist and vulnerabilities that were in place prior to the pandemic. Overall, the Resolution brings to the spotlight the urgent need to improve the working conditions of the people working in the cultural and creative sectors, and proposes the creation of a European framework for working conditions in the cultural and creative sector and industries, with a particular attention to transnational employment.

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<sup>2</sup> Policy Statement on the Cultural Recovery of Europe, IETM, 04-09-2020, available at: <https://mailchi.mp/15bb8995aaeb/life-off-stage-survival-guide-for-creative-arts-professionals-1236558?e=88bdbad6ff>

<sup>3</sup> European parliament, Joint motion for a resolution on the cultural recovery of Europe (2020/2708(RSP)), available at: [https://www.europarl.europa.eu/doceo/document/RC-9-2020-0246\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/RC-9-2020-0246_EN.pdf)

**Member States that have not done so should consider implementing legislation that accords some type of status to artists**, acknowledging the atypical way in which they work. The **advantages and disadvantages of applying specific laws and/or provisions should be shared among Member States**, both by those which implement them and those that do not. Member States, in the context of the upcoming OMC working group on artist working conditions, should discuss the different forms of support for artists, and consider their position to arrange and secure the most optimal working conditions for artists and professionals, both for nationals as well as for artists from other Member States. Different approaches to address this are applied across Member States, such as the “Intermittents du spectacle” model in France, or Ireland recognising a professional status for self-employed visual artists and writers within the existing social welfare system when actively looking for employment.

It is important that different models are shared as good practice and further discussed by **EU Member States expert groups under the Open Method of Coordination**. As concluded by Member States OMC experts in January 2020 during a stock-taking meeting, “improving the position of freelancers/nano-enterprises is generally recognised as a priority, but the best way forward remains to be found”. According to their survey, “policy-makers lack full clarity on which direction to take” and that further action was needed in policy areas beyond culture. The Member States experts suggested that “the upcoming OMC group should combine Ministries of Culture and Ministries of Employment in order to discuss artists’ working conditions and the future of work.”<sup>4</sup>

Regarding minimum wage, Member States should ensure that employees in the cultural and creative sectors earn a **minimum income** to be able to live from their work. This does not exist for self-employed, although some Member States are considering the possibility to introduce minimum hour rates for the self-employed. This does not guarantee that the self-employed have a minimum income to live from but only the intention that at least some fair minimum hourly rate is guaranteed. Other options discussed are the introduction of a basic income, so that each citizen has a minimum income to live from. Given the work of an artist, the provision of a **basic income** could be most relevant. Stemming from this:

- Member States should further **study the pros and cons of minimum hourly rates for the self-employed**. From 14 January to 25 February 2020, the European Commission held the first-stage consultation of social partners on a possible action addressing the challenges related to fair minimum wages. Replies were provided by 23 European social partners, representing workers’ and employers’ organisations.<sup>5</sup> On 3 June 2020 the European Commission launched the second-stage consultation with social partners, which ended on 4 September 2020. Minimum rates for the self-employed should be included in future consultations;
- **Member States and the European Commission should carry out an inventory of existing practices and examine together lessons learnt** from trials on universal basic income introduced in some Member States. This is particularly relevant in times of **the pandemic crisis**, when the shutting-down of cultural venues forces artists to discontinue performances;

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<sup>4</sup> [http://creativeflip.creativehubs.net/FINAL\\_EAC\\_19\\_213\\_CCis-2019-Brochure.pdf](http://creativeflip.creativehubs.net/FINAL_EAC_19_213_CCis-2019-Brochure.pdf)

<sup>5</sup> European Commission, Fair minimum wages: Commission launches second-stage consultation of social partners (2020), available at: First-stage consultation document: [https://ec.europa.eu/commission/presscorner/detail/en/fs\\_20\\_51](https://ec.europa.eu/commission/presscorner/detail/en/fs_20_51), Second-stage: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_979](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_979)

- An effort is needed to **reconcile competition law enforcement with the role of collective bargaining** as a tool to better protect self-employed workers in the sector.
- Many of the issues that are faced by artists and creative professionals are not unique to the cultural and creative sectors, and the increase in self-employment, freelancing and new forms of work is linked to the emergence of the platform economy. Member States should therefore **rethink access to basic social protection**, and a more global approach being the optimal solution. For example, certain rights linked to a person could be the same for everyone, regardless of the employment status. Another option would be to consider a statute which gives access to the same social protection as employees while allowing them to be self-employed;<sup>6</sup>
- Member States, cultural institutions and sectoral organisations should look into the **development of fair practice codes for the payment of artists** where these do not exist, and support existing fair payment codes and practices, which help to ensure that artists are fairly paid for their work. Institution directors and artist associations should play a role in reforming the system, to secure payments for artists and to ensure that they can continue to work and make a living. It should also be ensured that men and women are paid equally for equal work. The European Commission can contribute towards sharing and supporting such good practice and recommendations.

Some Member States have started to take initiatives for fair pay of artists and cultural professionals. Other countries prefer to speak about “fair practice”, rather than “fair pay” in order to go beyond salary and to link up to ‘good governance’ and policies for diversity and inclusion. Works are ongoing and should further be discussed at EU-level, including sharing of experiences and good practice.

Cultural employment data available at EU-level underestimate the true extent of cultural employment due to the difficulty in determining the cultural part of some economic activities and occupations which are only partially cultural (and therefore excluded from the estimations) and the lack of information on the possible secondary cultural jobs (only the main job of surveyed individuals is taken into account). The existing Eurostat cultural employment statistics are broken down into broad categories, not allowing insight into more specific sectors. For instance, “Arts, entertainment and recreation” is one aggregated section of economic activities of the classification NACE and does not provide details on music, theatre or ballet sectors. **Moreover, it is difficult to collect data on income/earnings in the cultural and creative sectors.** This makes it difficult to measure the full economic impact and dynamics of these sectors.

There should also be a support for initiatives and cooperation aimed at collecting relevant **gender-aggregated data** about the specific cultural and creative sectors. Particularly, gender-aggregated data should be collected in relation to earnings, types of employment, contractual relations (indefinite/fixed-term employment contracts versus self-employed) leading and decision-making positions, access to funding, participation in the mobility programmes etc.

More detailed statistics on employment and income in cultural and creative sectors will be important in informing relevant policies at both EU and national levels.

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<sup>6</sup> Sarah de Heusch, l'accès à la sécurité sociale pour les travailleurs Atypiques (2016), available at: <https://cultureactioneurope.org/files/2016/04/CAE-REFLECTION-PAPER-ON-RIGHTS.-REPORT-ON-SURVEY-2016.02.pdf>



Strong copyright provisions provide a means to ensure that artists are fairly compensated for their work. The 2019/790 Copyright Directive entered into force in 2019 and must be implemented into the national legislation of Member States by 7 June 2021. The swift and effective **implementation of the Copyright Directive is essential to ensure** the ability of creators to negotiate and be properly remunerated for the use of their works online. It would also significantly contribute to address some of the challenges that have been exacerbated by the COVID-19 related crisis.

### **Recommendations in relation to the cross border mobility of artists and cultural and creative professionals**

This study has shown that cross border mobility is an essential component of the careers of many artists and cultural and creative professionals within Europe. New challenges to mobility, in particular those related to COVID need to be considered in light of future support for mobility. Support to mobility cannot be achieved adequately by the Member States alone, which creates huge disparities of access among the Creative Europe countries, hence the need of an **operational framework to be supported at a European level and a longer term funding commitment**. Dialogue and action among Member States coordinated at EU level remains relevant and is necessary to tackle longstanding impediments and to remove administrative obstacles.

Member States should **recognise the value of cultural mobility** across the EU and beyond. Mobility of artists and creative professionals, as well as artistic works, contributes to the strengthening of shared cultural understanding, market development, innovation, and sustainable cultural practices. Therefore, **sufficient resources should be allocated to support the mobility of cultural workers and cultural works for all sectors within Europe and beyond**.

In the current situation around the COVID-19 crisis, when Member States are compiling emergency funds for the cultural sectors, they very often suspend mobility, touring and internationalisation funds and tend to cut down drastically on national schemes supporting mobility. Therefore, it is important that the EU continues to provide support for the mobility of cultural workers and cultural works following the COVID-19 pandemic.

Accurate and up to date information is key to facilitating mobility of artists and creative professionals within Europe. The production, regular updating and translation into all EU languages of **online guides and toolkits on obstacles to mobility** and related information is important, such as the ones produced by PEARLE (international cookbooks on VAT, social protection, taxation, visas etc.) and cultural mobility funding guides co-produced by "On the Move"<sup>7</sup>. However, as international cooperation implies a certain knowledge of a lingua franca among the collaborators leading to enhancing audiences, co-production and co-creation, the availability and distribution of this kind of information for example via the Creative Europe Desks could be enhanced.

Additionally, stakeholders indicate that **support for Mobility Info Points (MIP)** would help with providing the necessary information and support for Mobility. MIPs are organisations that within their main mission or part of their missions provide tailor-made information on administrative issues related to mobility.<sup>8</sup> These Mobility Info Points, members of the cultural information network On the Move, originate from the

<sup>7</sup> See <https://www.pearle.eu/publications>

<sup>8</sup> On The Move, Mobility Information Points, available at: <http://on-the-move.org/news/article/19558/mobility-information-points/>

PRACTICS project first support by the European Commission in 2010-2011,<sup>9</sup> which has been discontinued. According to stakeholders, renewed support for these Mobility Info Points would allow:

- More exchange on good practice between mobility info points (working methodologies with the sector, with relevant national / regional administrations, ministries, and also on tools used to answer artists and cultural professionals' specific questions etc.);
- More regular updates provided to MIP professionals on legislative changes at European levels;
- More communication support for a web presence highlighting the different mobility info points that artists and cultural professionals in mobility can refer to in European countries;
- More support to train and inform the creation of new Mobility Info Points to cover all Creative Europe countries
- More means to collect data on the nature of the needs and questions of mobile artists/cultural professionals, the nature of the change of faced obstacles and the solutions provided that would be both highly useful at a national and of course European level;
- A leverage/complementarity between national support and EU funding that guarantees EU added value.

However, as experienced with the 2019 i-Portunus study, a model articulated around Intermediary Organisations (IO) selected through a call for proposals by the European Commission, would be best positioned to implement the European mobility scheme for the mobility of artists and culture professionals, while unlocking its European added potential in relation to the above-mentioned notions of values, solidarity, complementarity and ethics. Co-financed by Member States, in the same way as Creative Europe Desks, IO would be de facto Mobility Information Points, following the Mobility Information Standard framework to provide information based on a list of priority topics (regulatory, opportunities, resources) and adopting consistent guidelines on customised information on cultural mobility. Should such a scheme not prove possible due to budgetary restrictions, Creative Europe desks can also play a key role in supporting mobility, and therefore should continue to be provided the necessary information to give the necessary support. The 2020 i-Portunus final report noted that the advantages of a centralised management structure would allow for the inclusion of all Creative Europe countries in the mobility scheme, lower overhead costs, resulting in greater financial resources for mobility, and the strong position for synergies with other actions in the European Union.<sup>10</sup>

The success of the i-Portunus pilot means that this mechanism should continue to receive further support under the Creative Europe programme for 2021-2027. The budget for this action should be increased.

Equal access to mobility schemes and opportunities for male and female artists should also be ensured. Given that women's mobility is often impeded by family obligations, providing child caring services and facilities for mobile artists (men and women alike) would be an important step in this direction.

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<sup>9</sup> On The Move, Practics Infotools, available at: <http://on-the-move.org/practicinfootools/>

<sup>10</sup> European Commission, Artists abroad: i-Portunus the EU's First Mobility Scheme for Culture (2020), available at: <https://op.europa.eu/en/publication-detail/-/publication/fb0d6926-b1d2-11ea-bb7a-01aa75ed71a1/language-en/format-PDF/source-138499746>

Atypical employment conditions in the CCS often mean that artists and creative professionals have less access to the **social security benefits** of salaried employees. Lack of information for artists and creative professionals regarding social security issues represents an obstacle for mobility. Many artists and professionals are not sufficiently familiar with EU rules and how coordination works. Existing online information pages are usually too general to be really helpful. National websites and information systems are therefore necessary, which prepare the EU regulations "tailor-made" for the needs of artists. Often, even artist organisations are not sufficiently informed about the EU regulations, sometimes not even sufficiently sensitised to these questions. The European Commission has developed an e-learning tool, the 'A-Z of coordination', which provides detailed explanations of the basic principles and functioning of the EU social security coordination regulations.<sup>11</sup> Within the e-learning tool, references to around 70 keywords are given and around 200 questions are answered.

Regarding **taxation**, the inability to deduct business expenses and income averaging are often cited as some of the most common challenges encountered. Artists and cultural and creative professionals often do not have the possibility of deducting business expenses in relation to their artistic activity, as such expenses are seen as relating more to leisure activities, and costs concerning equipment or training are not considered part of business expenses.

The taxation of **cross-border performances is another complicated issue that causes problems for artists and cultural professionals who wish to work internationally**, both in the country of performance and in the residence country. Article 17 of the OECD Model Convention has been taken over in most bilateral tax treaties to avoid practical difficulties, but in reality often creates practical problems such as double taxation and high administrative expenses. Member States should consider following the example from The Netherlands, Ireland and Denmark and **unilaterally exempt non-resident performers**. This would solve the issues of the non-deductibility of expenses in the country of performance, the difficulties in obtaining tax credits in the residence country, as well as high administrative expenses. The next best solution to be considered would be a minimum threshold for smaller performers, which is currently being used by the UK and the USA.

Finally, it should be noted that discussions are required regarding how mobility can be more sustainable, not only in terms of **environmental sustainability**, but also in terms of the careers of the artists. Mobility should not be carried out without reason but should be meaningful; leaving some long-lasting impact on local audiences, helping artists pursue their values and create a long-term added value. Hence, in order to reap the benefits, mobility needs to be targeted and strategically planned, instead of scattered, ad hoc, short-term initiatives.

### **Recommendations related to career development**

Both Member States and the European Commission should support initiatives and programmes that support entrepreneurship and the **development of the careers** of artists and creative professionals. Support should be provided for clusters, incubators, accelerators, creative hubs, networks, digital platforms, professional organisations, co-working spaces, creative labs, maker-spaces and fabrication labs. These structures should be at the core of the CCs ecosystem in order to maximize its impact. Policy

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<sup>11</sup> European Commission, E-learning tool, available at: <https://ec.europa.eu/social/main.jsp?catId=1142&langId=en>

instruments and funding schemes should take into consideration that the sector mainly consists of the self-employed or micro enterprises.

In addition to digital skills, it is important that artists have **opportunities to develop 'human skills'** that can encourage and help artists to strengthen community cohesion and feelings of belonging through art. Art and culture have the ability to bring people together through shared experiences. Therefore, when considering skills for the arts and culture, there must also be room for other types of skills such as community management and mediation in addition to digital and soft skills.

Continuous vocational training should be made available to male and female artists and cultural and creative professionals, allowing them to develop new skills both within the sector and outside of the sector. The latter is especially important in the context of retraining when it is no longer possible to continue a career in the CCS. More information and data are needed on the **training needs and career development** in the different sectors at national and EU-level. Stakeholders suggest that the Commission should support cooperation between skills councils in EU countries where they exist, and exchange of good practice.

Policies which seek **to balance the representation of men and women in organisations and positions** should be implemented. Not only do they encourage equal treatment but can also be useful as they help to broaden the perceptions which people, in and out of the CCSs, have regarding what are typically men's and women's occupations. Having more women leaders and women in positions classically held by men can help promote the role model effect and encourage other women to reach for areas and positions supposedly reserved for men.<sup>12</sup>

### **Recommendations in relation to funding**

This study has shown that having publicly available funding for artists and cultural and creative professionals is important, with public grants being considered the most effective means of funding in the CCS.

With regards to European and national funding, the European Commission and the Member States should continue their efforts **to simplify the process of applying for funding as well as the administrative processes once an application is approved**. Equal access to funding for female artists and those with special needs, should be promoted.

The European Commission should also consider the possibility of introducing a **special funding strand for smaller scale projects** and review the financial capacity checks for smaller organisations in order to make them eligible for pre-financing without a bank or third guarantee. **Auditing and self- or co-financing requirements should be further simplified** and the Commission should do more to reduce bureaucracy and administrative burdens for potential participants. The evaluation criteria should also provide room for experimentation, which is crucial to the arts.

The European Commission should **specifically fund projects aimed at research, residence, creation, rehearsing and training as part of supporting the development and innovations made within the sector**. Funding schemes could take

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<sup>12</sup> European Expert Network on Culture and Audiovisual (EENCA), "Gender Gaps in the Cultural and Creative Sectors" (2019), available at: <http://www.eenca.com/index.cfm/publications/gender-gaps-in-the-cultural-and-creative-sectors/>

inspiration from the i-Portunus project, whereby a small grant is provided to the artist in regards to a mobility project, where 70-80% is provided up front, and the final part is received at the end of the project. The Artists and cultural and creative professionals could highly benefit from smaller scale support to be able to experiment as this is central in the creative process.

Regarding the future of funding for culture at EU level, the ongoing budgetary discussions in the context of the multiannual financial framework (MFF) should ensure that funding for culture is not reduced. Sectoral organisations are already calling upon the European Commission and Member States to ensure that culture receives sufficient funding, both within the Creative Europe programme, as well as through national support schemes.<sup>1314</sup> In the case of an 'emergency' 2021 budget given the challenges in agreeing to the next EU budget during the current crisis, sufficient funding for culture should be continued, and if possible, increased given the impact of the COVID-19 crisis on the cultural and creative sectors and how this impacts the working conditions of artists.

### **Recommendations relating to freedom of artistic expression**

In its **Policy Statement on the Cultural Recovery of Europe**, IETM states: "As confinement measures have ceased artistic production and presentation, the capability of the artistic communities across the whole world to stimulate and feed critical reflection and socio-political engagements and debates have been drastically reduced. On top of that, in some of the Member States, the most critical and independent artistic voices have been deprived of emergency support and excluded from the long-term recovery plans. Therefore, the freedom of artistic expression must be high on the EU's agenda, and it should be a priority and a guiding value of the future Creative Europe programme."<sup>15</sup>

Recent research has shown that there are threats to the freedom of artistic expression and that this issue is becoming more apparent in Europe. Therefore, the European Union needs to **take measures to ensure that Member States meet their obligations to respect, protect and fulfil the right of every person to freedom of artistic expression and creativity**. It is important that all stakeholders (Member States, European institutions and the sector) take into consideration the recommendations provided in the recent Freemuse study 'The Security, Creativity, Tolerance and their Co-existence: The New European Agenda on Freedom of Artistic Expression', as well as the specific recommendations that were developed by Culture Action Europe and Freemuse on the state of artistic freedom in Europe.<sup>16</sup>

**Artistic freedom should be explicitly recognised within the broader framework of fundamental freedoms and freedom of expression, alongside media freedom.** The Commission should also strive to include in its publication of the annual report on

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<sup>13</sup> Culture Action Europe, : Effect of COVID-19 on Creative Europe and the European Cultural and Creative Sectors (2020), available at : <https://cultureactioneurope.org/files/2020/03/Effect-of-COVID-19-on-Creative-Europe-and-the-European-Cultural-and-Creative-Sectors.pdf>

<sup>14</sup> Culture Action Europe, Remaining together in times of crisis (2020), available at: <https://cultureactioneurope.org/files/2020/03/Remaining-together-in-times-of-crisis.pdf>

<sup>15</sup> Policy Statement on the Cultural Recovery of Europe, IETM, 04-09-2020, available at: <https://mailchi.mp/15bb8995aaeb/life-off-stage-survival-guide-for-creative-arts-professionals-1236558?e=88bdbad6ff>

<sup>16</sup> Freemuse and Culture Action Europe, The State of Artistic Freedom in Europe - Towards a New Agenda on Freedom of Artistic Expression: Specific Recommendations for the European Parliament, (2020), available at: [https://cultureactioneurope.org/files/2020/01/Artistic-Freedom\\_CAE-Freemuse-recommendations.pdf](https://cultureactioneurope.org/files/2020/01/Artistic-Freedom_CAE-Freemuse-recommendations.pdf)

the application of the Charter of Fundamental Rights an analysis on the state of artistic freedom within the framework of freedom of expression.

Member States should ensure that **all relevant legislation is brought in line with international obligations**, particularly for artists from vulnerable and already marginalised groups, such as women, minorities and LGBTI groups. Restrictions should be justified in accordance with provisions within the law, ensure that they serve a legitimate aim, and be proven necessary for the protection or promotion of the legitimate aim, according to Article 19(3) of ICCPR. Additionally, they should encourage a plural and diverse political environment by strengthening the mandates of relevant cultural institutions and entities to maintain their independence, as well as ensure transparency in decision making, ensuring that these bodies are overseen by independent cultural institutions and entities to check upon the potential misuse of power. Civil society organisations and other relevant stakeholders working in the field of freedom of expression and artistic freedom should be involved in consultations prior to the drafting and submission of Quadrennial Periodic Reports (QPR) to UNESCO. The European Union Agency for Fundamental Rights should also be given a mandate to investigate violations of freedom of artistic expression.