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Artists' working conditions to remain a priority for the European Commission

Response to the European Parliament's call.

Late last year, the European Parliament called for the creation of an EU framework addressing the social and professional situation of cultural workers. The European Commission has now formally responded to the resolution. So, what can we expect to happen in the coming years? While there is no commitment to immediately launch new legislation or policy initiatives, the current Commission will launch discussion on possible solutions and future actions. Key strategies for moving forward include active engagement with stakeholders in the sector, optimising the application of existing tools and frameworks, and fostering the exchange of best practices among EU Member States.

Artists' status and working conditions in the cultural and creative sectors (CCSs) have garnered attention at the EU-level since the outbreak of the Covid-19 pandemic. This issue has been prioritised in the EU Work Plan for Culture 2019-2023, paving the way for the Member States' experts Open Method of Coordination group, resulting in the [report](#) 'The status and working conditions of artists and cultural and creative professionals'.

Furthermore, between 2020 and 2023, a few initiatives from the European Parliament called for a consolidated approach at EU-level to improve the situation of cultural workers. A substantial set of measures was proposed in the [resolution](#) by MEP rapporteurs Antonius Manders (European People's Party) and Domènec Ruiz Devesa (Socialists and Democrats), which was adopted by the European Parliament in November 2023.

The Resolution contained a proposal for an EU Framework on working conditions of artists and workers in the cultural and creative sectors. This framework was defined by the following key elements:

1. New legislation: a directive establishing decent working conditions for CCS professionals and ensuring the accurate determination of their employment status.
2. Information exchange: the establishment of a European platform to enhance the exchange of best practices and mutual understanding among Member States.

3. Fair funding: adapting EU programmes supporting CCSs, such as Creative Europe, to reinforce social conditionality.

The European Commission has [responded](#) to the Parliament regarding the steps it intends to take.

Here are the main points:

1. Working conditions as a priority in the future strategic framework for culture

Although the document does not mention the possibility of developing a specially dedicated directive, the Commission has clearly conveyed its commitment to prioritising the issue of working conditions in CCSs. The document refers specifically to the forthcoming review of the New European Agenda for Culture, aiming to develop a new EU Strategic Framework. Enhancing the working conditions of professionals in the cultural and creative sectors will be part of this review process.

2. Focus on a better application and enforcement of existing tools

The Commission emphasises the need to identify and assess possible gaps that exist in the application and enforcement of the relevant EU-legislation with regard to workers in the CCSs. This assessment will be conducted in collaboration with social dialogue committees and expert groups, comprising national experts and social partners in the fields of social security coordination, free movement of workers, and posting. Additionally, the Commission will request the Senior Labour Inspectors Committee (SLIC) to investigate potential issues concerning the enforcement of EU occupational health and safety legislation concerning cultural and creative professionals.

Regarding the fair remuneration of authors and performers, the Commission will oversee the effective transposition and application of two existing instruments: the Directive on Copyright in the Digital Single Market and the Directive on Adequate Minimum Wages in the European Union. In January 2024, the Commission initiated a study focused on contractual

practices affecting the transfer of copyright and the ability of creators and producers to use their rights.

3. Further involvement of social partners and other sector stakeholders

The response by the Commission stresses the role of sector stakeholders, experts and social partners - employer organisations and trade unions, and outlines suggestions to (further) involve them in future steps. For instance, the Commission will organise a High-level Round Table with sector stakeholders in 2024 to explore the best way forward to address the needs of the sector.

Furthermore, the Commission will invite the sectoral EU social partners to discuss the contributions and outcomes of the High-Level Round Table and consider additional solutions required to enhance working conditions in the field. One possibility is to launch negotiations to conclude an '[autonomous social partner framework agreement](#)'. The Commission is willing to support this process upon request from the social partners. Such agreements are typically crafted through negotiations between representatives of EU social partner organisations. Upon conclusion of such an agreement by the social partners, their affiliated organisations implement it in accordance with national procedures.

Regarding the contribution of sector stakeholders, the Commission also reiterates the dual role of the networks funded by Creative Europe: on the one hand, training cultural workers about their rights, and on the other, providing feedback to policy-makers.

4. Enhancing information exchange and mutual learning

There is a strong emphasis on the importance of EU Member States continuing to share best practices and learn from each other. To facilitate this, starting in 2024, yearly thematic workshops on artists' working conditions will be held with Member States, in line with the EU Work Plan for Culture 2023-2026. Additionally, the Commission considers initiating next year a mutual learning programme with Member States focused on improving social protection for cultural and creative

workers.

Another area where information exchange is set to be enhanced is undeclared work. The [European Labour Authority \(ELA\) platform](#) dedicated to tackling undeclared work is currently conducting a study focusing on this topic within CCSs. This study will contribute to a seminar with Member States planned to take place in May 2024.

Furthermore, the Commission refers to the new section of the Creatives Unite platform - the '[This is how we work](#)' platform. This tool serves as an EU-wide knowledge resource, presenting information on legal frameworks and policies regarding working conditions in the cultural and creative sectors. The Commission will look into possibilities for further expanding this section with relevant information concerning applicable legislation pertaining to the working conditions of cultural workers.

The Commission also expresses the intention to find a shared approach regarding the definitions of artists and cultural professionals. To achieve this, it intends to address the European Parliament's request to map the existing definitions across Member States. This effort aims to contribute to a common understanding that can inform EU policy-making and cultural statistics.

5. Social conditionality of funding for culture

The Commission responds positively to the recommendation of integrating social conditionality into funding programmes, while emphasising the importance of adhering to the legal framework of the existing Creative Europe and Horizon Europe programmes. The Commission intends to explore strengthening social conditionality in the forthcoming cycle of Union programs (2028-2034). At the same time, the document underlines that the current legal foundation of Creative Europe already includes explicit provisions for ensuring 'fair remuneration of authors and performers' - aspects that should be duly considered throughout the programme.

6. Tailored support to Member States

The Commission reiterates its willingness to assist Member States in utilising the [Technical Support Instrument](#) for

implementing reforms to enhance the working conditions of artists and professionals in the creative sector. This EU-instrument offers customised technical expertise to Member States to help them with the design and implementation of reforms. For cultural and creative sectors and industries, countries such as Slovakia or Cyprus have used this instrument to develop CCSI policies. It's important to note that this support is based on demand, meaning Member States can request assistance as needed without providing any co-financing. The support can come in various forms such as strategic and legal advice, conducting studies, providing training, and organising expert visits on-site.

In conclusion, the response from the European Commission to the European Parliament's resolution underscores a commitment to prioritising the critical issue of working conditions in CCSs. While new legislation is not currently on the table, the Commission expressed its commitment to actively engage with stakeholders, optimise existing tools and frameworks, and foster the exchange of best practices among Member States, as well as encourage and support them in their reform processes.

[WEBLINK](#) - Commission's reply to the European Parliament's legislative initiative report on "an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors"

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