# National Policies Influencing
# Cultural Cooperation and Mobility in Europe
## An overview of Research Results

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prepared in the context of the *Gateway to European Cultural Co-operation* project (G2CC)

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*Europe has a soul, indeed.*
*No need to invent or create one for our continent.*
*It's there in plain sight.*
*It is not to be found in its politics or in its economy.*
*It is first and foremost embedded in its culture.*
German filmmaker Wim Wenders in a speech delivered on
November 18, 2006 at the conference "A Soul for Europe"

## A. Introduction

National policies and regulations can either foster or discourage trans-border exchanges and other forms of European cultural cooperation. Among the relevant factors, in this respect, are the goals and instruments of foreign policy, but also social and tax regimes; awards and scholarship regulations; labour laws and union rules; quota regulations; or copyright royalty schemes. Cultural policies, in particular, can be focussed mainly or exclusively on the promotion of "national" achievements and cultural goods or develop a more "European" or trans-national approach which favours exchanges and co-operation agreements.

In line with the work plan of the "Gateway to European Cultural Co-operation" project (G2CC), the ERICarts Institute carried out an extensive survey on national policies of relevance for European cultural cooperation and other forms of cross-border dialogue. The following report, based mainly on an examination of already existing (trans-) national information sources, presents a summary of these findings; in addition, it provides links to main resources and ongoing monitoring activities.

Among major comparative studies and information systems consulted, some were, or still are, (co-) organised by the ERICarts Institute, including:

- The *Council of Europe/ERICarts "Compendium of Cultural Policies and Trends in Europe"*[1];
- *"Creative Europe"*[2]; and
- *"The Status of Artists in Europe".*[3]

This was of advantage both for methodological reasons and for the availability of background information stored in ERICarts' databases and in the documentation centre of the institute.

However, other resources have also been very supportive, in our context, such as:

- the *EFAH/Interarts report* on "The state of cultural cooperation in Europe";[4]
- a new analysis of EU Member states culture and external relations policies, provided by Boekmanstichting and European Cultural Foundation/LabforCulture,[5] which also makes it possible to spare out, in this report, reflections on different aspects of EU international relations policies;
- the *"On the Move" database* (IETM);[6]
- the growing body of resources on *www.labforculture.org;* and
- different *individual studies*, which will be introduced later.

As regards the content of this exercise, the most obvious national policies shaping European cultural cooperation are programmes and practices in the context of *bi- and multilateral cultural relations and diplomacy*, including international conventions and agreements, the activities of "official" cultural institutes as well as new regional approaches. These will be dealt with in chapter B of this overview paper.

In addition to that, there exists also a range of *"domestic frameworks" and policies* that influence, more or less directly, trans-border cultural co-operation. Some of these have already been identified in the conceptual

[1] Council of Europe/ERICarts: *Compendium of Cultural Policies and Trends*, 8th edition, 2007. <http://www.culturalpolicies.net>.
[2] Cliche, Danielle / Mitchell, Ritva / Wiesand, Andreas Joh. with I. Heiskanen and L. dal Pozzolo: *Creative Europe,* Bonn 2002
[3] Capiau, Suzanne and Wiesand, Andreas Joh. in cooperation with Cliche, Danielle: *Status of Artists in Europe*, 2006. <http://www.europarl.europa.eu/EST/download.do?file=13248>
[4] Interarts Foundation/European Forum for the Arts and Heritage (EFAH): *Report on the State of Cultural Cooperation in Europe.* June, 2003. <http://www.efah.org/en/resources_for_culture/policystudy/interarts.htm>
[5] Dodd, Diane and Lyklema, Melle / Dittrich-van Weringh, Kathinka: *A Cultural Component as an integral part of the EU's Foreign Policy*, Amsterdam 2006
[6] <http://www.on-the-move.org/>

paper prepared by ERICarts in the first phase of the G2CC project.[7] The following can be mentioned, in this respect:

- National and regional *cultural policies* in general and sector or institutional policies in particular;

- *Legislation* which influences or promotes co-operation (e.g. funding laws, but also VAT, social security regulations etc. which are relevant both for domestic and foreign artists);

- *Trade regulations or licensing practices* (material and immaterial flow of cultural goods and services) and their influence on the establishment or development of independent culture industries;

- The role of *main "gatekeepers"* in the media and as more or less "political" decision makers in institutions providing support to, inter alia, mobile artists and trans-national projects (e.g. co-productions in film and the performing arts; scholarships);

- *Societal factors* of relevance for international cultural co-operation, including but not limited to: structures and levels of education (e.g. decisions on second or third language education), general patterns of behaviour (e.g. the spread of stereotypes about the "others" or neighbours) or "historical burdens" (e.g. the writing of national and European history);

As proposed in the G2CC work plan, examples from the more policy oriented first two of these issues will be summarised in chapter C of this report, leaving much room for future research as regards the other issues, to which we even could add a few more:

- *New technologies* create virtual trans-national spaces, inspire new forms of cooperation on the Internet or give at least the broader public in- and outside of a particular country access to a much greater variety of artistic achievements, especially so in the field of music. This has inspired Swiss editorialist Alain Jeannet to the following assessment:

  *"Those who confined Swiss artists to the national closet can take back their scepticism. How to explain this refound vitality? This is a change of paradigm. The Internet is roving itself to be an accelerator of fame... Up until now [the federal foundation] Pro Helvetia has been depended upon a lot for the promotion of Swiss culture abroad... But it would be absurd not to also bank on the power of the net."[8]*

- *Immigration trends* and debates about the integration of newcomers from different cultures and geographic parts of the world, which are currently held in many European countries;

- *Questions of Intercultural Dialogue* – a crucial element of future trans-national cultural cooperation.[9]

A final note of caution: Given the lack of evaluative instruments, time and manpower in research as well as of basic empirical evidence on the state of European cultural co-operation and, particularly, of sound statistics (e.g. occupational statistics indicating the number of foreign artists working in various fields and countries or similar data with regard to "mixed" performances in theatres and concert halls or the transnational composition of major exhibitions), neither the G2CC project, nor information systems such as the "Compendium" – despite their recent improvements – can live up fully to all demands in this domain. More transparency in these and similar fields could only be achieved, if the limited capacities of existing national and European research and documentation facilities[10] would be enhanced, including incentives for more collaborative projects and continuous monitoring capacities.

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[7]   Available on <http://www.labforculture.org/en/about_us/background/what_is_european_cultural_cooperation>
[8]   "On-Line promotion of Swiss culture". L'Hebdo 22.12.2006.
[9]   This area is currently being investigated by ERICarts, in view of the preparation of the 2008 "Year of Intercultural Dialogue". As well, the European Cultural Foundation (ECF) and the European Forum for the Arts and Heritage (EFAH) have launched a "Civil Society Platform for Intercultural Dialogue" <http://www.eurocult.org/we-advocate/advocacy-actions/>
[10]  Schuster, Mark D.: *Informing Cultural Policy: a consideration of models for the information and research infrastructure.* University of Chicago, 2001. Such deficits were also mentioned in an earlier exercise of CIRCLE: *Beyond Cultural Diplomacy - International Cultural Co-operation: Whose Business is it Anyway?* Research paper for the European Round Table, Krakow, 1999.

## B. Trends and Issues in National Cultural Diplomacy and other Forms of Trans-Border Cooperation

Since basic questions and definitions of "European Cultural Cooperation" have already been dealt with in a Framework paper developed by ERICarts during the first phase of the G2CC project (see FN 7), the present chapter focuses on policies, structures and issues influenced by national authorities, which are often termed "cultural diplomacy".

Let aside the important issue of conflict resolution, which may gain more importance as regards e.g. cultural and minority rights or language and media issues in the context of re-defined security policies (cf. some consequences of the Danish "Caricature Conflict" in 2006), three basic concepts of cultural diplomacy and the institutions entrusted with this implementation can be identified:

1. Representation of a country and its culture or language (mainly one-directional and bilateral)

   With three sub-types:

   a) Traditional/diplomatic relations

   b) Arms' length/Contracted NGO

   c) Agency type (e.g. British Council)

2. Exchange-oriented (bilateral)

3. Multilateral cooperation and networking

The distinction between bilateral relations as the "traditional" form of national cultural diplomacy and multilateral initiatives and programmes could be, at first sight, an obvious choice if one is to classify the material collected for this study. However, such a distinction would not really catch the momentum of transition, which characterises recent approaches in the foreign cultural policy of some European governments. We can even predict that more and more elements of multilateral co-operation will become integrated into the repertoires of national as well as regional/local governmental actors; for cultural networks and other NGO they are already a common currency for 15-20 years. Therefore, but with the exception of a small inventory of the growing field of regional bodies engaging in trans-border cultural cooperation, bi- and multilateral forms of collaboration are not dealt with under separate items in this paper.

As well, distinctions between cultural or artistic fields do not lead very far either: Of course, international co-operation e.g. among actors in the visual arts, music, theatre and dance, literature or the heritage can take different forms and may also find different legal, organisational and financial prerequisites. On the other hand, the same could be said for activities within one of these fields, since it surely makes a difference whether we talk about the guest performance of a large German state symphony orchestra, different copyright regimes, a traditional song festival in the Baltic region, the European tour of a British rock band or the function of a "composer in residence" on a Swedish island.

Therefore, the main findings with regard to trans-border national policies – based partly on a compilation in ANNEX I – are being presented in the first part of this chapter in an"integrated" manner, with a few issues of importance to European cultural cooperation added in the second part.

**1. NATIONAL POLICIES**

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*1.1 Main Findings for "Cultural Diplomacy"*

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*a. Overview of National Policies and Practices*

The table in ANNEX I, dealing with "International Cultural Cooperation in Europe – Organisation and Trends", distinguishes four categories:

 *1. Lead Ministry / Ministries in charge of international cultural cooperation*

 In most parts of Europe, the task to develop international cultural relations is still connected with the structures and practices of national diplomacy:

 - In over two thirds of the 44 countries surveyed for this report, responsibility is being *shared between different ministries*, usually those in charge of foreign affairs and of culture.

 - In the 13 cases, where a *single ministry* is in charge, the one in charge of culture takes the lead in 9 countries.

 *2. Bodies/agencies charged with promoting international cultural relations:*

 - 21 of the 44 countries maintain *"cultural institutes"* abroad. Their number varies as much as their status, but it seems that truly independent or at least "arms' length" organisations are more an exception than a rule;

 - In 15 countries, *other official agencies and special organisations* are - sometimes additionally - charged with cultural relations abroad;

 - In a majority of cases, embassies *and cultural counsellors/attachés* are said to also have major functions in this domain.

 *3. Membership in regional cooperation bodies relevant for culture:*

 Unexpectedly, the number of regional cooperation bodies with state participation is very high; as many recently founded organisations demonstrate, they seem to be mushrooming especially in the Eastern parts of Europe, obviously, not only for reasons of improving cultural cooperation (see more under 1.2).

 *4. Recent priorities and trends:*

 In this part of the evaluation, we are confronted with a wide range of observations and trends.

 - *Media and cultural industries* are now receiving more attention in cultural diplomacy, as is heritage and related cultural tourism.

 - In some cases, *national "image-building" through culture* is being acknowledged as a priority. As other research demonstrates, this may indeed be a common motivation for cultural diplomacy, since it can also serve other priorities:

 *"As conceptions of national security have expanded to include economic competitiveness, cultural diplomacy in many countries has acquired trade-related aspects adapting the traditional reliance on cultural diplomacy as a platform for projecting a positive image to the development of markets and trade opportunities in general. Another trade-related goal seeks to promote trade in cultural products and services themselves as significant exports."[11]*

 - In nearly all Central and Eastern European countries, *relations with expatriate communities* ("diaspora") are of great interest to policymakers. It can be assumed, that this latter objective could hardly be "europeanised", since also individual relations and, particularly, *language issues* are at stake.

 - As regards the country focus, *political and economic considerations*, as well as some relics from a colonial past, play an important role for cultural diplomacy.

Complementing the G2CC survey, some general trends, reaching beyond traditional cultural diplomacy, but also underlining a re-enforcement of State control e.g. via modes of financing, can be identified:

*b. A Main Trend: From Government Programmes to "Direct Interaction"*

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[11] Wyszomirski, Margaret J. with Burgess, Christopher, Peila, Catherine: *International Cultural Relations: A Multi-Country Comparison*, The Ohio State University, Columbus 2003

Surely also for financial reasons (see under 2.2 in this chapter), a growing part of cultural co-operation activities happens outside of the direct purview of national governments. Some of these may involve public bodies from the local or regional level, but most of them can probably be characterised as "direct encounters" between cultural professionals, be it with commercial or non-commercial background.[12]

In a comprehensive study of officially mandated cultural co-operation in the EU[13] carried out in 31 countries for the European Commission, Interarts and EFAH came to the conclusion:

> *"Cultural cooperation in Europe is made up nowadays of an extensive, multilateral flow of projects and initiatives, which are launched and implemented by individual artists, non-profit organisations, local museums, theatres and companies, arts management companies, local and regional authorities, as well as by national governments and those organisations coming under their structures. Projects involving exclusively national governments are less and less the norm."*

If one is to look a bit deeper into the causes for his development, five of them seem to be most important:

- The *change of the political climate in Europe* during the past 20 years and, particularly, the dissolution of East-West block structures, which called for strong diplomatic guidance and prefixed agreements when economic, scientific or cultural contacts were to be initiated;

- The *professionalisation of cultural exchanges* via an improved information supply on structures and opportunities available in different countries; more direct contacts between experts and operators; the training of a new generation of European "cultural managers"; the establishment or strengthening of trans-national professional organisations and work structures as well as of informal cultural networks in Europe;

- The *rise of commercial "culture industries"* as one of the driving forces behind the trans-border flow of cultural goods and services;

- The *limitations caused by the inner logic of traditional cultural diplomacy*, including lengthy, often bureaucratic procedures or the self-imposed political mission to promote mainly national interests, even in multilateral contexts; and, finally

- The *downscaling of public budget appropriations* for culture, in general, and for "foreign cultural policy", in particular, in many European countries (see under 2.2).

Even if such aspects are nor alsways mentioned e.g. in the current *Compendium* profiles, there is little doubt that at least some of them may have had a more or less deep impact on the role, national governments, their agencies and cultural institutes with an official remit are able to play in international cultural co-operation. This does not mean, however, that the influence of national governments in this domain is necessarily fading away. As stated in the Interarts/ EFAH study:

> *"In spite of all the difficulties, it seems that for many reasons, states have a role to play in filling the enormous gap existing in Europe between the domestic cultural agendas and the creation of a comprehensive European cultural space, the fostering of creative circuits and the availability of resources for the emergence of new audiences."*

*c. Two Other Trends in Cultural Diplomacy: Dialogue and/or Control*

A first trend is a more *dialogue-oriented approach in cultural diplomacy*. As can be seen in examples such as the British Council, this move has also partly affected the role of intermediary agencies and cultural institutes, which now work often bi- or multi-directional and employ management techniques known from the private sector culture industries (while, of course, still serving the interests of their main sponsors).

The other recent trend can best be summarised as a *"tightening of control"*. Three examples:

1. The now frequent re-allocation of funding – away from staff-intensive, arms' length cultural institutes into the direction of *individual subventions dedicated to selected, temporary events* with high public visibility – could be seen as an effort to regain control of main co-operation activities.

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[12] This is why a new category "Direct Professional Co-operation" has been added to Section 2.4 of the *Compendium* grid.
[13] Interarts/EFAH (2003), loc. cit.

2. Some governments have also reaffirmed their interest in the shaping of *legal and political "frameworks"* on which cultural exchanges still depend in many countries (e.g. regulations concerning visas and work permits for foreign artists or the taxation of honorariums earned abroad).

3. *"Contract funding" with subsequent controlling* analysis of results is probably the most advanced tool that is promoted under the banner of "new public management" In that respect, the advanced evaluation and controlling techniques in use to assess the "performance" of publicly funded cultural programmes and institutions e.g. in the Netherlands could possibly be seen as harbingers of future practices of other governments.

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*1.2 Regional Cultural Cooperation Bodies and Programmes*

The surprisingly strong role of official regional cooperation in Europe, as identified in the past paragraphs, has temptend the author to analyse this fact a bit further. To this end, a number of organisations and programmes were analysed, based on institutional websites or, in some cases, on descriptions made by the authors of *Compendium* country profiles:

1. Adriatic-Ionian Initiative (AII);
2. Anglo-Irish Co-operation;
3. Arctic Council;
4. Barents Regional Council / Barents Euro-Arctic Council (BEAC);
5. Black Sea Economic Cooperation (BSEC);
6. Central European Initiative (CEI);
7. Commonwealth of Independent States (CIS);
8. Council of the Baltic Sea States (CBSS);
9. Council of Ministers of Culture in South-East Europe;
10. Euro-Mediterranean Cultural Partnership;
11. European Neighbourhood Policy of the EU (ENP);
12. Forum of Slavic Cultures;
13. GUAM;
14. Nordic Cultural Co-operation (Nordic Council of Ministers);
15. The Northern Dimension ;
16. Organisation of Iberoamerican States (OEI);
17. Organisation internationale de la Francophonie (OIF);
18. Platform "Culture – Central Europe";
19. Quadrilateral;
20. Taalunie;
21. Višegrad Group.

The aim of the evaluation (of which only a summary can be provided here) was to identfy common or differing practices and concerns in cultural cooperation programmes and projects.

A general result of this analysis has been that notions of a "common history" or even "identity" as a basis for cultural cooperation are more an exception than as rule. As has been pointed out in a recent study of the EU led Euro-Mediterranean Partnership programme:

> *"Currently, it is difficult to back the argument of a Mediterranean identity and even more difficult to outline the argument of a Euro-Mediterranean identity. Thus, it was the EU and to a lesser degree the partner countries in the South who re-defined the Mediterranean and converted the pre-existing idea of a Euro-Mediterranean entity following (geo-) political, (socio-) economic and cultural reasons into reality."[14]*

Instead, four aspects are particularly striking:

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[14] Demmelhuber, Thomas: *The Euro-Mediterranean Space as an Imagined (Geo-)political, Economic and Cultural Entity*. ZEI-Discussion Paper No. 159, Bonn 2006

- First, regional cultural cooperation is, with a few important exceptions such as the Nordic experience or the Francophonie, still a *"young" phenomenon*: the establishment of the great majority of state-led networks and programmes took place during the past 10 years, generally in the course of recent political and economic transitions. One could speculate whether some of them are also an "answer" of national governments to the broad cooperation taking place outside of their control, e.g. among NGO or arts institutions.

- Second, *smaller and medium-sized countries*, situated mostly in the Eastern half of the continent, seem to be more inclined to participate in such official regional organisations;

- Third, there seems to be sort of a *"competition" among national governments*, to gain some "control" over at least one of the regional interstate networks and programmes, e.g. via offerering funds and premises for headquarters;

- Fourth, truly *"cultural" organisations are just a minority* (e.g. Nordic Cultural Cooperation, Forum of Slavic Cultures, Taalunie), while political, security and economic motivations dominate.

Given also the marked "overlap" between some of the regional bodies, which could even frustrate or overcharge some of the member countries, especially so in parts of Central Europe and in the Baltic region, one cannot but predicting a relatively short life cycle for them.

### 1.3 "European Cultural Institutes" – an Alternative?

General questions on the possibl future role of the EU in European cultural cooperation vs. purely national policies can be addressed, in an exemplary manner, if one takes up the idea of joint "European Cultural Institutes". While discussions about that topic are not really new[15], an implementation of the idea into common practice has not really happened, during the past years, let aside a French-German Institute in Luxembourg and some reading rooms elsewhere.[16]

Surely, the creation of such institutes, especially outside of Europe, would give efforts to install a "cultural component" into the foreign policy of the European Union a fresh boost and could also produce financial savings. However, in spite of all talks about an "arm's length" governance of cultural institutes, control exercised by most national governments in the field of cultural diplomacy is still tight, or even tightening.

In the findings of the recent survey of Boekmanstichting and ECF/LabforCulture we find a hint, why this could be the case. The report underlines, once more, that many countries still define international cultural cooperation mainly along geopolitical and economic lines:

> *"Some larger, formerly colonial powers (e.g. France and the UK) for various reasons maintain close relations with their former areas of interest in sub-Saharan Africa, the Middle and the Far East. These relations correlate directly with the EU APC programmes and the ASEAN initiative of the EU and its members. Some smaller EU Member States also have local interests in these geographical regions, e.g. the Netherlands in Indonesia, Surinam and South Africa, and Portugal in some of its former colonies. Many other EU nations, large and small, see opportunities for cooperation in Far Eastern countries such as China and India, in addition to the already strong relations enjoyed with Japan (based significantly on trade opportunities)."[17]*

## 2. SOME RELATED ISSUES

### 2.1 Issues of Mobility and Cultural Diversity

In recent years, the mobility of students and professionals from the arts and media sector, but also of works of art and heritage, figure high on political and cultural agendas. A topic in many international conferences, the need for mobility was especially underlined among top priorities at the meeting of the European Council on 15 and 16 November 2004, where the half-way results in the implementation of the Lisbon strategy have

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[15] See Peise, Robert: *Ein Kulturinstitut für Europa. Untersuchungen zur Institutionalisierung kultureller Zusammenarbeit.* Diploma thesis, Hildesheim 2002
[16] However, a network of cultural institutes located in Brussels has, in 2006, resulted in a new organisation, the "European National Institutes of Culture" (EUNIC) which plans an improved collaboration in matters of common interest, cf. <http://www.ciceb.org>
[17] D. Dodd and M. Lyklema, K. Dittrich-Van Weringh: A Cultural Component as an integral part of the EU's Foreign Policy", Amsterdam 2006

been assessed. This has led to many different initiatives and projects[18] which try to foster mobility in the arts and in education.

However, as pointed out already in the earlier conceptual paper prepared by ERICarts for the G2CC project, the question of the – frequently supposed – *connection between individual mobility and cultural cooperation* (projects) at large is still an open one. The report on the first phase of a special mobility research programme (MEAC) which has been carried out by ERICarts for LabforCulture, concludes that more or less "mobile mindsets" have a main say, in this respect:

- On the one hand, the readiness to engage in travels or work across national borders could be considered as a *prerequisite for cultural cooperation*, since it helps facilitating potential collaboration with colleagues or partners in other countries.

- On the other hand, individual mobility as such is not synonymous with trans-national interaction and could *be motivated, for example, by political pressures, by a desire towards* personal enrichment or simply by *"professional tourism"*.

Therefore, cultural mobility, as recorded in different parts of this report – and, similarly, in the *Compendium* – remains an issue to be dealt with both in domestic and foreign cultural policies, but needs further discussion and empirical research,[19] before its links with European cultural cooperation can be seen more clearly.

Such research should also be seen in the context of the current strive towards more "cultural diversity", as is prominently expressed in the 2005 *UNESCO Convention on the Diversity of Cultural Expressions*. For example, it could take up the *trans-national flow of symbolic and "cultural capital"*[20] or more recent debates[21] on the social *consequences of "hypermobile societies"*, by investigating current trends of "Hypermobility" and their specific implications for the "creative sector". This could include studies of programming policies in leading arts institutions and an identification of possible standardisation tendencies.

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*2.2 Issues of Financing*

Traditionally, funds earmarked for international cultural cooperation do not belong to the particularly "robust" items in national budgets. This has been the main reason for a number of official national cultural institutes, e.g. the Goethe Institute, to actively engage in European cultural projects in the Culture 2000 programme and some, e.g. the British Council, even competed for other European funds to promote the cultural expertise of their nationals in order to generate additional income.

Here we face a general problem of national funding dedicated to international cultural relations: except in the domain of film and television or in the case of a few festivals and similar events, national public budgets are frequently designed, even in "dialogue"-oriented contexts, to foster predominantly *activities of their own citizens or institutions*. Funding of trans-national co-productions, invitations of foreign partners, travel for production and research, networking exercises etc. is difficult to get, under these circustances. What could

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[18] E.g. the Europe-wide "Bologna Process" in higher education, the Mobility Programme of the European Cultural Foundation, Amsterdam or "On the Move" of IETM, Brussels

[19] In 2006, the MEAC report proposed a range of specific research topics for its main phase, including the "effects of *Brain Drain – Brain Gain – Brain Circulation* across countries and continents" and cultural patterns of migration. A paper prepared by Olivier Audéoud for the European Commission in 2002, *Mobility and Free Movement of People and Products in the Cultural Sector*, concluded that, presently, there exist no figures capable of measuring the actual extent to which artists and cultural workers move and circulate their products around the EU. An early German study from Wiesand, Andreas Joh.: *Kunst ohne Grenzen? Kulturelle Identität und Freizügigkeit in Europa*. Cologne 1987, addressed some legal, economic and practical impediments to trans-border movements of artists, media workers and cultural goods, for example, customs regulations, TV-quotas, cultural traditions or mindsets of professionals.

[20] See http://www.intellectualcapital.nl and a large body of literature which, until now, has been dominated by economic considerations (cf. e.g. Stewart, T.: *Intellectual Capital: The Wealth of Organizations*. London, 1997), while theories of non-economic forms of capital, specifically "cultural" and "symbolic" capital, have been influential in the social sciences (cf. Bourdieu, Pierre: "The Forms of Capital". in: Richardson, J. G. (ed.) *Handbook of Theory and Research for the Sociology of Education*. Greenwood, New York, 1986). Of course, the "human capital" must be considered an essential element in this context.

[21] According to John Adams (University College, London), in his 2006 lecture at the Felix Meritis, Amsterdam ("Hypermobility: a challenge to governance"), in *hypermobile societies*, "traditional geographical communities have been replaced by 'communities of interest', which are not tied to a particular location. We spend much of our time in such communities, physically in the midst of strangers, celebrating and advertising the blessings of mobility." In his view, this trend runs contrary to sustainable development: "Not only is it a highly polluting society, but there are also many adverse social implications, society may become more anonymous and less convivial, more crime-ridden and less culturally diverse."

make sense as regards international tours of large public ensembles, e.g. orchestras, in the collaboration of experts from heritage sites, museums or archives, or in readings of authors in their own language, is less convincing in other artistic fields, e.g. dance or visual arts, where the scene has become much more cosmopolitan, in the past decades.

One could even go a step farther and conclude that small-scale initiatives and the trans-national projects of individuals will usually achieve better results when applications are directed towards domestic (national and regional) bodies and independent foundations – for which a more prominent role in shaping international cultural relations is, therefore, an important option for th future (see also Chapter 3). On the other hand, permanent agencies and national cultural institutes, and large bi-lateral events held in other countries, e.g. "Cultural Weeks", may still fare better with the image-building policies pursued by national diplomacies.

Taking account of national constraints, and even frequent cuts[22], the European Parliament has stipulated, at several occasions, the need for financial mechanisms that could facilitate collaboration across frontiers[23]. Different programmes in the EU have, for example, played an important role in promoting networking among professionals from the arts world. However, the *Culture 2000 Programme* was also known, and often criticised, for its limited resources. Nevertheless, these funds contributed to stimulating a demand for transnational collaboration – today critics sometimes speak of a landscape of non-sustainable projects – without really being able to satisfy the resulting claims. This has led to new strategies among cultural networks and operators, e.g. trying to attract the attention of private funders, or to make use of funds available in other areas of the EU budget, in particular the Structural Funds.

Some of the problems, which exist also in regional develoment programmes, are explained in an IETM study on coperation projects with South East Europe,[24]

- "Existing funding goes into the institutions; little is left for the independents (where most of the new tendencies, and dynamic networking projects are taking place);
- Funding is held up due to constant political changes and imperatives;
- Funders change their priorities without adequate notice to potential applicants;
- Funders do not give understandable reasons for rejection of applications."

Analysing the existing funding opportunities, including specific EU funds, the authors of the study identify the following as "missing elements":

- *Seed Money programmes* for the establishment of facilitators/agencies that deepen the collaboration on the local or regional levels between public institutions (e.g. museums) and independent groups or bodies (e.g. artists initiatives);
- *No (or low) interest loans* for projects of transnational networks;
- *Micro-Credits* for artists and for small-scale private enterprises operating in the cultural (arts and media) sector.

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*2.3 The Role of Local Actors in the Face of Globalisation and European Integration*

The important *role of local partnerships* and of cultural cooperation projects prepared in the institutional context of border-regions or "Euregios", sometimes supported by funding from EU structural programmes, has been mapped already a few years ago.[25] Indeed, in the current phase of globalisation, cultural cooperation in trans-national relationships should not neglect the important dimension of trans-localism and individual artistic initiatives, thus allowing a greater recognition of regional or local diversity, including their ethnic and religious components. As Mike Featherstone argues:

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[22] For example, the share of funding for "cultural affairs abroad" in the overall public budget for culture in Germany has continuously decreased from 12,2% in 1980 to 6.1% in 2000, cf. <http://www.kulturforschung.de>. Only in 2006, decisions were made to raise again the budgets of some intermediary agencies, including for the international broadcasting service Deutsche Welle and the Goethe-Insttute.

[23] See for example the European Parliamentary draft *Resolution on Theatre and the Performing Arts in an Enlarged Europe* (2001/2199 (INI) PE 312.505)

[24] Ilic, Milica and DeVlieg, Mary Ann: *Every Step Has an Echo - an analysis of case studies of cultural cooperation projects between and amongst South Eastern and Western European artists and operators.* Brussels / IETM, 2003

[25] Cf. Wiesand, Andreas Joh. (ed.): *Handbook of Cultural Affairs in Europe*, 3rd edition, Baden-Baden 2000. More up to date information can be found e.g. on the website of the Association of European Border Regions <http://www.aebr.net/>

> *"The process of globalisation is not [meant] to produce homogeneity but to familiarize us with greater diversity, the extensive range of local cultures".*[26]

This global perspective is increasingly relevant also for national or European bi- and multi-lateral cultural co-operation: Policies, programmes and projects in Europe may be seen just as second and third steps in a process which first starts at home and is often initiated by individuals. In other contexts, this interdependency between different levels has been described as "glocalisation", in our case it is simply a recognition of the fact that, on local levels at least in larger urban settings, we can find a similar hybrid mix of languages, ethnicities and differing cultural practices than in Europe as a whole.

In this respect, we need to be less concerned about the *role of European cultural networks*[27], which have been christened with the values of trans-national cooperation, since many years. They are, and will surely be in the future, main actors or lobbyists in this field, as long as they keep their freshness and ability to innovate.

In contrast, the main trial could be seen in the future understanding of these European and global challenges among *"traditional" cultural institutions on the local level*, e.g. orchestras, museums, theatres and the like which, in most European countries, still account for the bulk of public subsidies and a large part of the artistic workforce. Their potential "European horizons" are often concealed or blurred by local political concerns and chains, let aside some central institutions in metropolitan centres or capitals, many of which dedicate themselves less to developing specific artistic profiles and more to fostering a prestigious international mainstream.

As has been demonstrated by the experiences presented in many case studies in the "Creative Europe"[28] and *LabforCulture*[29] projects, such problems need to be addressed, for the average institutions and local initiatives, through more open forms of governance and management. In this context, an element of "autonomy" in determining one's aims and goals for collaboration and the self-management of cultural institutions, especially as regards their actual trans-national projects or encounters, may be a crucial aspect.

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[26] Featherstone, Mike: "Global and Local Cultures" in Bird, Jon et al. (eds.): *Mapping the Futures: Local Cultures, Global Change*. London and New York: 1993.
[27] Some benefits and limits of "networking" in the cultural sector have already been addressed in different studies and conferences, e.g. Canadian Heritage: *Crossing frontiers. Issues of Heritage, Culture and Identity in a Comparative Context*. Conference Report, Ottawa 1995; Mundy, Simon: *The Context and Structure of European Cultural Networks*. Raad voor Cultuur, 1999; Fondazione Fitzcarraldo: *How Networking Works*. Turin / Brussels, 2001.
[28] See Cliche/Mitchell/Wiesand, 2002, loc. cit
[29] <http://www.labforculture.org/en/content/view/full/180>

## C. Domestic Policies and Practices Influencing Mobility and Trans-border Cultural Cooperation

As determined in early comparative research[30] and confirmed in more recent studies and information systems,[31] national policies and specific measures in the arts and media fields can usually be differentiated according to 4 main categories:

1. *'Individual Support'* schemes for artists and journalists, ranging from awards to grants (project, work, travel), scholarships or compensation packages;

2. Public schemes of *'Market Support'* for artistic work and the culture industries, such as public purchasing programmes for books or artworks;

3. *'Dissemination Support'*, including for target groups or in education contexts;

4. *Legal and Social Frameworks,* e.g. as regards taxation or social security.

From the many different policy areas, laws and instruments to be found in this domain, some are particularly relevant for trans-border cooperation projects or mobile artists and cultural operators. In this chapter, selected concepts, measures and debates are being summarised.

### 1. 'INDIVIDUAL SUPPORT' SCHEMES

| *1.1 Promotion of individual artists via cultural awards, grants and competitions* |
| --- |

#### a. Awards and Scholarships

While awards and similar funding measures could indeed be conceived as part of a more elaborate public system of promoting artists, starting with specific scholarships for the young and ending with achievement-based contributions to the aged, it is difficult to find evidence of such models in most European countries. With the exception of film, competitions are usually less attractive for established professional artists and more interesting for younger artists with another main profession.

Since cultural awards are usually given for outstanding achievements, e.g. for a life's work or for a certain piece of work carried out in a particular cultural context, or as a result of national competitions (particularly in the field of music and film), it is to be expected that the results of selection processes would often favour national artists, even if that may not always be a fixed criterion in the statutes of such measures. However, owing to the general "internationalisation" processes to be observed in the arts and media, both the rules and the awarding practices are now gradually changing, as can be demonstrated with the German example:

> *In Germany there are currently over 2,400 regularly awarded cultural prizes, bursaries and project grants with an overall value of more than €50 million (over 75% of this money comes either directly from the different levels of Government or from public-private partnerships)... An increasing part (over 25%) of German awards has an international or "European" scope or is meant for foreigners only (in addition to ca. 10% open to German-speaking recipients from all countries).[32]*

#### b. Travel Grants and Residencies

Obviously, travel grants are of high importance in a Europe aiming at a "common cultural space". Artists from Central and Eastern European countries, in particular, should be offered more opportunities, that is: not only to travel to the "West" but also between countries in their own region. While the *Soros Foundations*, which had been of particular importance for mobility funding during the 1990's, have now been dissolved in most of these countries, new regional co-operation programmes between these and other states such as the *Visegrad Fund* have not yet been able to fill the gap.[33]

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[30] Starting with two reports for the Federal Government in Germany, Wiesand, Andreas Joh.: *Literaturförderung im internationalen Vergleich*. Cologne, 1980; and Fohrbeck, Karla: *Kunstförderung im internationalen Vergleich*. Cologne, 1981.

[31] E.g. in an ERICarts survey carried out in the context of the Swedish EU Presidency: *Creative Artists, Market Developments and State Policies*. Bonn/Stockholm 2001 or in the ongoing Council of Europe/ERICarts *Compendium of Cultural Policies and Trends*, 8th edition 2007 <http://www.culturalpolicies.net>. Except where not otherwise indicated, these resources provide the main background for the present chapter.

[32] cf. Wiesand, Andreas Joh. (Ed.): *Handbuch der Kulturpreise 4*. Bonn, 2001.

[33] Details of these and similar programmes and institutions fostering artistic mobility in Europe are listed on the LabforCulture website (http://www.labforculture.org/en/funding/agencies_programs).

In many countries, there has been a decline in the number of *individual travel grants* including vacation and recreation bursaries, while *programme-related travel grants* with destinations and goals determined by the state and other sponsoring bodies increased. Some of the latter are connected with cultural exchange programmes of specific countries, e.g. *KulturKontakt*, Vienna, or are based on institutional or city networks, e.g. the "Closer Look" scheme for young European journalists and other mobility programmes of the *European Cultural Foundation*, or the *"Pepinières" for young artists* of different sectors, organised in France.

Many residency programmes are offered in connection with grants to travel abroad and work in the growing number of artists' or authors' centres (*Künstlerhäuser,* or *maisons des artistes)* owned or financed by the state.[34] Artists are normally given studio space free of charge as well as a monthly allowance. These studios are often located in "inspiring" landscapes or in large cities, sometimes as a meeting point for artists from different countries – like in the *Cité Internationale*, located in university quarters in the south of Paris or the *Ekely* artists residencies near Oslo. In France, where over 400 residencies and *bourses d'atelier* are offered, the Ministry of Culture has introduced, together with Pepinières, an Internet database to facilitate such travels and exchanges.[35]

*c. Other Individual Measures*

Among the main elements of public funding programmes for individual artists are *project or work grants*. In theory, such schemes should enable an artist to work on a specific project without interruption or financial worries – expectations which are usually not met in reality. Few of them are designed specifically for experimental and trans-border cooperation projects or to cover risky phases in the work life of an artist. An exception are the Nordic countries with their long tradition in this type of funding, e.g. longer term grants of three or up to five years providing a regular or basic income during which time major works can be tackled, as in the case of Sweden and Finland. In the recent decade, some national funding agencies, such as *Arts Council England*, the Swiss *Pro Helvetia* or the *Kulturstiftung des Bundes* in Germany, started to earmark funds in an effort to foster trans-national cooperation via specific project grants. Generally, such measures are not any more restricted by nationality rules; however, residence or language criteria may apply.

| 1.2 | Support of communication ("networking") and collaboration between artists |
|---|---|

In addition to public support given to institutions and initiatives aiming at improving communication and collaboration between artists and media workers within a particular country – be it via national artists unions/associations, artists/writer's houses or other measures – a number of networks, productions and events can be mentioned that (also) serve trans-national collaboration. This can be achieved in four different ways:

- On the one hand, *national or even local institutions and organisations* increasingly "open up" towards European collaboration. For example, the *Poetry Ireland* network, created in 1978 by the Arts Council for poetry readings etc. throughout the country, has published a number of books of poetry in translation. As well, it is now part of the *European Poetry Network*. Over 200 professional European organisations and networks act as platforms or lobbies, in this respect.

- On the other hand, national authorities also fund *specific bodies and events with a European or international mission* (e.g. symposiums and some larger festivals), which have developed into traditional meeting-points for cultural professionals from all parts of the continent and beyond. As examples one could mention the *Steirischer Herbst* in Graz, Austria, the *Donaueschinger Musiktage* for contemporary composers, the *City of Women Festival* in Ljubljana, Slovenia or the *Baltic Sea Writer's Centre* in Visby.

- There is also an emergence of *virtual and "real time" communication spaces* or events taking place over the Internet. The obvious desire among younger creative artists to use the Net as a tool to communicate with potential audiences and colleagues can also lead to new interactive art forms.

- Many publicly sponsored larger *projects of individual artists and teams* are themselves good examples of trans-border collaboration, particularly when carried out in the form of *co-productions*. In the field of film and other media productions, the latter are now almost a regular choice, thanks to either improved national and European funding opportunities or to the marketing choices of

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[34] An overview is being provided, inter alia, in Maison des livres et écrivains (ed.): *Guide des résidences d'écrivains en Europe / Writers' Residencies Guide in Europe*. Montpellier 2003

[35] http://www.art4eu.net/residart/

producers. However, this form of cooperation is also on the advance in theatre or dance productions. While arguing against too much of "sharing" when it comes to particular responsibilities in such co-productions, Belgian producer Guy Cools describes their particularity as follows:

> The co-production relationship implies a degree of engagement from every partner that I always like to refer to as a 'matrimonial' relationship. And this in opposition with the less engaging love relationship, when there is only the engagement to present the work.… The co-production engagement is a far reaching engagement that often involves serious investments and risks. As in a matrimonial relationship it demands a lot of confidence and trust of the partners in each other and they'd better also anticipate (even legally and contractually) possible future crises or unsuccessful results.[36]

## 2. PUBLIC SCHEMES OF 'MARKET SUPPORT'

### 2.1 (Media) Content regulations and production support

Contrary to what could be expected in a globalising media landscape, national content regulations – often referred to as *"domestic quota"* – as well as related criteria for the licensing of broadcasters and specific production or dissemination incentives have not disappeared from the landscape, especially in the field of the audiovisual media. On the contrary, international comparative research carried out by ERICarts for the 3rd NRW Culture Industries Report[37] revealed even an increase in their use if compared to the situation 15-20 years ago. Obviously, concerns over securing one's national "cultural identity" in the face of globalisation and integration trends have resulted in new measures, whether effective or not. However, the study also showed that there has been a significant move away from purely "prohibitive quotas" in favour of more proactive measures favouring indigenous content production and distribution. These measures could, as well, be noticed in the new democracies of Central and Eastern Europe, despite privatisation tendencies there. For example, according to the final consolidated version of the Polish Broadcasting Act, with amendments in 2004, broadcasters of television programmes are obliged to reserve at least 30% of their quarterly transmission time to programmes originally produced in the Polish language.

Quotas and media incentives, often in the form of levies generated from the advertising revenues of private companies,[38] do not serve all creative professions equally: they are of particular relevance to composers and to authors of film and television works which can benefit from such measures in almost all national broadcasting companies, especially in France. Some of the regulations include very detailed descriptions of which and how much cultural content should be broadcast every month, e.g in the Netherlands, France and other countries.

The mere existence of such regulations has always drawn negative comments on the part of advocates of free trade and freedom of editorial choice; arguments of "quality" and of safeguarding the media sphere against state intervention were also raised, in this context. The other side of the coin is represented by beliefs – and to a certain extent, the experience – that only concrete incentives will compensate for the limited size of markets in European countries, especially in those with less widely spoken languages. Obviously, not all of the cultural production in one of these countries is attractive or transferable to audiences across Europe, not to mention other parts of the world (which would also require adequate budgets for translations, marketing etc.). In this context, regulations are actually seen as a means to restore competitiveness with products from larger foreign markets such as the USA, which has a much greater chance to regain their production investments in their own domestic markets.

Other measures introduced by some governments include *import regulations* on e.g. books, *language laws*, *subventions* for the press, for multimedia productions or for book publishers which are not necessarily connected with audiovisual regulations. For example, in an effort to provide for at least a basic national infrastructure in this domain, nearly 30 million € were spent in 2001 by the Austrian federal and regional governments in the form of subventions to book and press publishing houses.

[36] Cools, Guy: *International Co-production & Touring*. Brussels: IETM, 2004.
[37] Arbeitsgemeinschaft Kulturwirtschaft: *Kultureller Arbeitsmarkt und Verflechtungen.* Report for the Ministry of the Economy of the State of North-Rhine Westphalia, Düsseldorf, 1998.
[38] For details of such media content regulations, see Section 5.3.8 of the Council of Europe/ERICarts Compendium of Cultural Policies and Trends, 8th edition 2007 <http://www.culturalpolicies.net>

Promotional measures for the visual arts, literature, music, film and other areas in the arts and media have long been part of the policy instruments of *cultural diplomacy*, thus falling under the responsibility of the foreign offices and special agencies. Since national prestige is often at stake, hundreds of millions of EURO are spent in this domain in countries such as the UK, France, Germany, Italy and Spain.[39]

In smaller countries, it is often the *national ministries of culture* or the institutions funded by them who engage in this type of promotion. For example, in the Czech Republic, out of the 210,281 spent for translations and book promotion in 2002, "approx. 60% was allocated to projects of supranational character", including 38,687 € for the support of translation of Czech literature abroad; 3,906 € for the State award for a translated work; and 94,187 € for the participation of the Czech Republic in book fairs.[40] In many countries, special information centres whose mission is to promote visual arts, music, or literature have been created, such as in Sweden and in Finland: *Literature Information Centre*, *Music Information Centre*, *Frame for Visual Artists*.  These centres also give grants for translations, exhibitions, fairs etc. In Switzerland, the *Pro Helvetia* Foundation which is also in charge of domestic arts funding, engages in similar programmes.

Increasingly, such policies are conducted with the aim of fostering the national – or regional – culture or creative industries, particularly so in fields such as film or design. This type of activity is then also being funded by *ministries of economic affairs* and related agencies.

## 3. 'DISSEMINATION SUPPORT'

*3.    Festivals and other broad-scale arts events in the public space*

Festivals have become a major form of audience development in the arts. On the other hand, they are often considered an "industry" in their own right because of their ability to attract "culture tourists". In this context, funding by regional and local public actors plays a dominant role, in most countries, sometimes even at the expense of traditional cultural institutions such as theatres or public arts galleries which, as a consequence, try to stage their own events or adapt similar new "marketing" techniques.

In recent years, the number of European and international events has grown, including all night arts festivals, thematic days (e.g. international book day) or biennial type international exhibitions. They provide professional artists with the possibility of having a larger and more trans-national spotlight placed on their work than is normally the case.

As mentioned before (1.2), several avant-garde festivals have turned into meeting places for artists from all over Europe, such as the *Dutch Electronic Art Festival (DEAF)* held every two years in Rotterdam which includes symposiums, exhibitions and possibilities for artists to interact with the public.

There is, of course, a possible danger of "festival inflation" (in France there are over 2,000 festivals each year!) which has led to national efforts for a better coordination and information, e.g. in Bulgaria a *National Cultural Calendar is* published annually by the Ministry of Culture.[41] A comprehensive Europe-wide study is, however, needed to evaluate the "real" benefits to creative artists and the effects of such large-scale events in the development of the different arts fields and their audiences.[42]

## 4. LEGAL AND SOCIAL FRAMEWORKS

*4.1    Tax measures: The example of VAT for artists*

Despite of the political establishment of a common market, a wide variety of tax measures for different artistic professions and economic transactions is still typical for Europe. These range from VAT levels, types of income tax exemptions and the way in which taxes are collected. Such issues were dealt with, in greater

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[39]  Cf. for more details the EFAH/Interarts *Report on the State of Cultural Cooperation in Europe*, carried out 2003 for the EU Commission  <http://www.efah.org/index.php?id=16&pagelang=en>

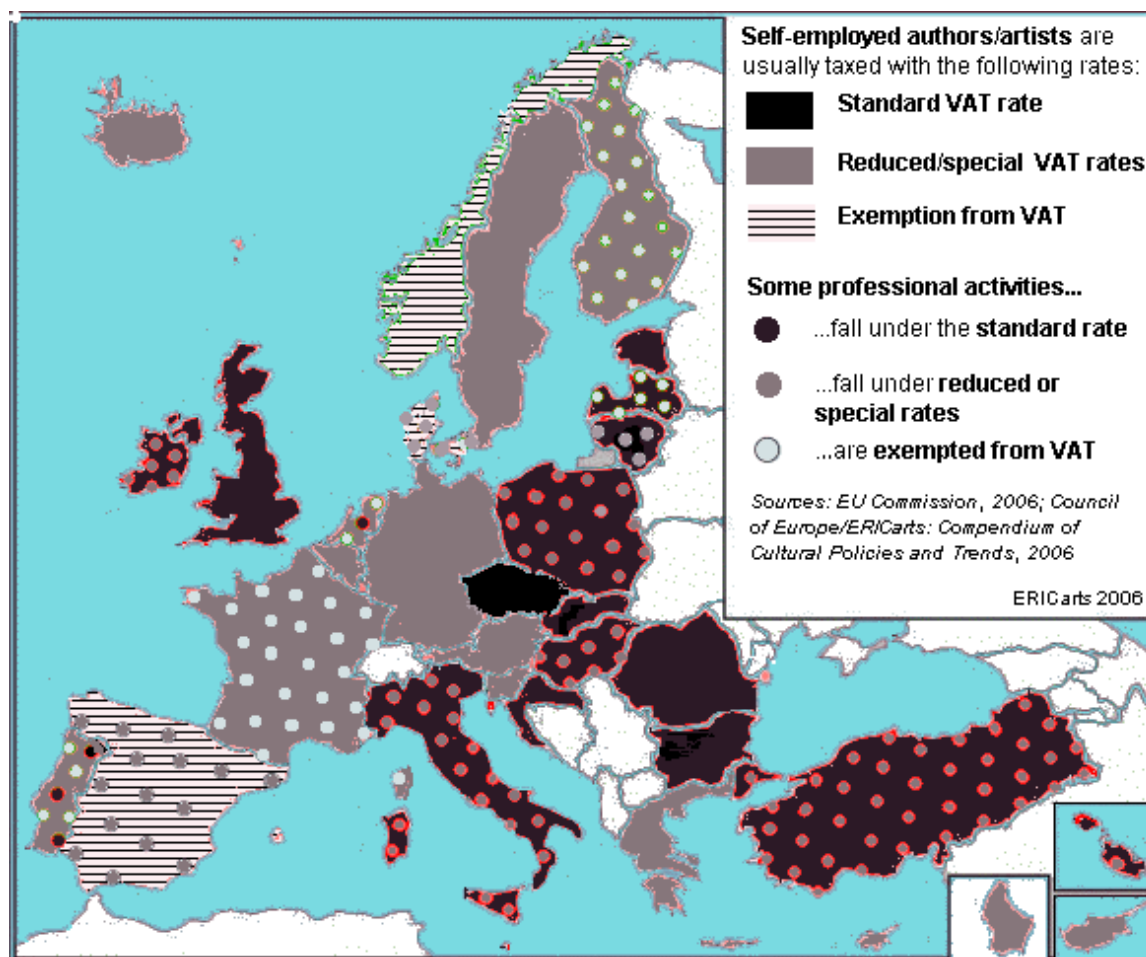[40]  Ibid. (Annex I – Czech Republic)

[41]  http://www.mc.government.bg

[42]  An effort into this direction is being made by the European Festival Research Project (EFRP), carried out under auspices of the European Festival Organisation. First results are expected at the end of 2007.

detail, in a new ERICarts study for the European Parliament.[43] In the present summary, the situation regarding *value added tax rates* for the work of self-employed artists is being used to exemplify these differences. Of course similar variations can also be detected if one compares VAT rates for cultural products. For example, VAT rates on books vary from 0% in some countries to 25% in others; VAT on audio and video recordings range from 15 and 25% in most countries.

The spread in the VAT rates across countries in Europe in the different professional fields is indeed quite difficult to understand and there is no evidence to suggest that this kind of disharmony could foster cultural cooperation in any way. On the contrary, it can be seen as presenting great obstacles to the mobility of authors, publishers, composers or visual artists and, particularly, to trans-national movements of their physical works.

The following map gives an overview of VAT rules for self-employed artists in the EU member and accession countries as well as in those of the EEA. It has been compiled for the European Parliament using the latest EU data (February 2006) and the 2006 edition of the Council of Europe/ERICarts *Compendium of Cultural Policies and Trends in Europe.*

**VAT Rates for Self-employed Creative Artists in Europe**



As demonstrated in the map, 16 countries (out of 33 surveyed) maintain a number of *exceptions* for at least some types of artistic and literary activities. In some countries, e.g. in the Netherlands and in Portugal, potentially all types of applications are possible: standard rates, reduced rates and full exemption. In most cases, artists may be exempted from VAT, if their turnover does not exceed a certain margin. Other exemptions are related e.g. to contracts for works whose distribution is regulated under authors' right/ copyright law, which could explain, why writers and composers are, on the average, enjoying somewhat better conditions than visual artists (the opposite is true only in Ireland and Portugal).

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On the other hand, we find a more *homogenous approach* in 17 countries which again leads to differing consequences for the professionals concerned. The following main types of VAT regulations can be distinguished:

- *Regular VAT taxation at the "standard rate" – which varies between 15 and 25 %* – in: Bulgaria, Croatia, Estonia, Lithuania, Romania, Slovakia and the UK (the latter, however, with large non-taxable allowances);

- *VAT taxation generally at a reduced rate – which varies between 3 and 15 %* – in: Austria, Belgium, Cyprus, Germany, Greece, Iceland, Luxembourg, Slovenia and Spain (where some activities are also exempted from VAT);

- *Option for a general exemption from VAT* for authors and artists in: Denmark and Norway.

Taking account of all these differences, there seems to be a general tendency in many of the *New Member States* of the EU to mainly apply the standard VAT rates, while in the *Nordic Countries* exemptions or exceptions in favour of artists are more frequently found; in *Central and Western Europe*, reduced VAT rates are a typical choice of the national authorities.

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| 4.2 | *Social security measures: The example of old-age benefits for artists* |
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Regional differences can also be detected as regards social security regulations for artistic and related professions. In this case, however, countries in Central and South-West Europe are obviously more inclined to introduce special insurances for independent artists than governments in the North - where general social security systems are still at a high level – and in the Eastern parts of the continent.

The position of artists regarding social security is first defined by their *status in labour and social insurance law* (sometimes even in tax law). This status is quite insecure since artists particular work patterns would cause them to be treated differently from one law to the next e.g. artists may be part-time employees or freelance workers at the same time.[44]

In this paper, we concentrate on *old age pension schemes* for self-employed artists whose access to benefits depends greatly on their "employment" status or relationship. Another main determinant to their social status is, of course, the level and flow of income: the great fluctuation of income often leads to unsatisfactory levels of pension or sick-leave-compensation. Therefore, additional mechanisms specifically designed to the needs of artists have been introduced in some countries. They exist either inside or outside the general public social security programmes some of which even provide for unemployment assistance, disability coverage, maternity leave etc. (which are dealt with in the ERICarts study for the European Parliament, mentioned above).

The overview on the following page gives a first impression of the general situation found in the 27 countries surveyed. We can distinguish between:

- *Systems of social security protection* for all citizens which seem to exist in the majority of countries, however, on very different levels of material support (frequently very modest benefits only);

- *Modified compulsory insurance* for self-employed artists within the general social security system which are less frequent and are based on different legal platforms;

- *Special insurance for artists* (outside of the general social system);

- *Supplementary measures* (e.g. special or honorary pensions of employers, unions, etc.).

These and other differences are of particular interest to mobile artists, not only because they can be confronted with many complicated procedures, but also because it is by no means clear that their contributions to social security systems will always lead to respective benefits. This is why, in the ERICarts study to the European Parliament, a *code of good practice* has been proposed[45] which would include:

- Continuation of social security payments for self-employed artists working abroad for shorter periods of time;

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[44] To complicate things even further, some labour laws, e.g. in Germany, foresee "mixed categories" of workers, the so-called "Arbeitnehmerähnliche Personen", which can best be described as self-employed "quasi-employees". They have the right to negotiate collective agreements with "employers", which is not possible in many other countries where all groups of freelance artists are treated similar with regularly self-employed or even entrepreneurs

[45] Capiau/Wiesand 2006, loc. cit. (Executive Summary)

- Better, more up to date information of professionals working in the culture and media sectors;

- Unemployment insurance for freelance and self-employed artists and measures for the financing of social security contributions which correspond to their working conditions;

- Better coordination among the various social security regimes of the EU Member States with the intention of better accommodating the differing employment status of artists (salaried worker, freelancer, self-employed) in order to avoid useless or double payments of social security contributions.

- Adoption of more flexible qualification periods or criteria for social insurance and benefits that take account of the irregularity of artistic work, their particular risks (i.e. disability, employment injuries), family life (i.e. maternity or parental leave) and short term careers;

- The introduction of financial and other measures to assist artists in their further professionalisation and retraining; and

- An allowance to pursue an artistic activity during periods of unemployment in which benefits can continue to be drawn.

## Social Security Structures for Self-employed Artists in Europe, 2006

NOTE: This table focuses on old age pension schemes for authors, visual artists, composers etc. See ANNEX II.2 Table A of the ERICarts study "Status of Artists in Europe", European Parliament 2006, for further details regarding other areas of social protection or related professions.

| | (Minimum) **Social security for all citizens** | **Modified insurance for artists in general system** of social security | **Special insurance for artists** (outside the general social system) | **Supplementary measures** (e.g. special pensions of employers, unions, etc.)* |
|---|---|---|---|---|
| **Northern Europe** | | | | |
| Estonia | X | - | X | (X) |
| Finland** | X | - | - | X |
| Latvia | X | - | - | (X) |
| Norway | X | - | - | X |
| Sweden** | X | - | - | X |
| **North West Europe** | | | | |
| Belgium | - | X | X | - |
| Ireland | X | - | X | X |
| The Netherlands | X | - | - | - |
| UK | X | - | - | (X) |
| **North East Europe** | | | | |
| Lithuania | X | - | - | (X) |
| Poland | X | - | - | X |
| Russia | X | - | - | (X) |
| **Central Europe** | | | | |
| Austria** | - | X | - | - |
| Czech Republic | X | - | - | - |
| Germany | - | X | X | X |
| Hungary | X | (X) | - | - |
| Luxembourg | - | - | X | - |
| Switzerland** | - | - | X | (X) |
| **South West Europe** | | | | |
| France | - | X | - | - |
| Italy ** | X | - | - | - |
| Portugal | X | - | X | - |
| Spain | X | X | - | - |
| **South East Europe** | | | | |
| Bulgaria** | X | - | - | (X) |
| Croatia** | - | X | - | - |
| Romania | X | - | - | - |
| Slovenia | X | - | X | - |
| Ukraine | X | - | - | X |

*Source: Adapted and updated from D. Cliche / R. Mitchell / A. J. Wiesand with I. Heiskanen and L. dal Pozzolo:*
*Creative Europe, 2002, based on Council of Europe/ERICarts: Compendium of Cultural Policies and Trends*
*in Europe, 2007 and ERICarts: Status of Artists in Europe, 2006*

*Notes:*
\*        Usually given to "outstanding" self-employed artists or to those belonging to a particular union/association.
\*\*      Current reviews of existing extended social security measures for artists or debates/plans of reforms
(X)      Very limited coverage or open only to specific professions

## D.   Conclusions fur Further Action

Following the 2005 rejection of the proposed "European Constitution" by the votes of French and Dutch citizens, some observers went so far to speak of an "end of the European integration process". Even if such statements may be considered to overstate the problem a bit, this incident and the debates that followed – and still go on – did not exactly lead to a political climate, where far reaching reforms in sensitive areas such as cultural cooperation could easily be expected, at least not on the initiative of the European Commission or the Council. What is currently being suggested as an alternative, amounts to a revival of earlier ideas of *a "variable geometry"* (or "à la carte" approach) in Europe

However, as pointed out in a recent article in the British ECONOMIST,[46] a "multi-speed Europe" is not only a potential strategy to get out of the EU-Constitution dilemma, but has, already now, developed into a practical solution for specific co-operation needs, in a number of areas. The *Euro* (introduced in 13 of the 27 EU member states), the *Schengen Agreement* for passport-free travel (implemented by 15 countries, including three non-EU states) or the *Bologna Process* reforming higher education (45 countries) are just three examples of a successful implementation of this strategy. Therefore, we can safely conclude that other areas of importance outside of the scope of direct regulatory intervention by the EU could be tackled in a similar manner, such as:

- fostering *cross-border mobility* of workers and a better flow products in the arts and media via programmes that address national legislation;

- providing *sufficient funding* for cultural cooperation projects via a guaranteed "micro-credit" system and via links between national and European sources and actors, including from NGO;

- establishing *joint "European Cultural Institutes"* in other world regions; or

- *harmonising specific national measures* e.g. in the fields of taxation and social security.

This would, at the outset, call for concrete conceptual ideas going beyond ritual invocations of "A Soul for Europe"[47], followed by a coalition building phase involving officials, professional circles, experts, the LabforCulture user community etc. across Europe; specific action plans with clear deadlines; and sufficient publicity.

Of course, this scenario is only one of the options: One should not underestimate the instruments of an existing European infrastructure which is still functioning and could indeed act according to its mission, despite the limits set by its legal foundations. As proposed in the ERICarts study for the European Parliament on "The Status of Artists" (2006), this could lead to the following steps:

- The European Parliament could invite the Council to recognise – via a specific *resolution* – the crucial role of artistic work in the context of European integration;

- The Council could adopt, together with the Parliament, a more formal *Community Charter* (along the lines of the model provided by the 1989 *Community Charter of Fundamental Social Rights of Workers*), addressing the status of artists and specific needs of those working across national borders. Such a Charter should take account of previous work undertaken by international organisations such as UNESCO, ILO, WIPO or the Council of Europe, or by professional bodies and networks.

- The European Commission could be charged with the preparation of the Charter and work towards a comprehensive *Plan of Action* via a *White Book on Mobility in the Arts and Media Sectors*, involving the various competent DGs and inviting participation from professional networks and research bodies. A

- A *Transversal Task Force* could be asked to prepare the agenda for this action plan, including commissioning studies on themes such as the better co-ordination between social security and tax authorities, the role of intermediary management services ("umbrella organisations" and guarantors) or on visa policies and conditions for work permits in view of the trans-national mobility of artists in Europe and world-wide.

Obviously, different roads towards action exist – we should just be willing to move!

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[46]   "Coalitions for the Willing", The Economist, 1 Feb. 2007.
[47]   cf. Hassemer, Volker: "A Soul for Europe", in: *European Festivals Association: Still so much to be done. Challenges for Culture in Europe*. Gent, 2006.