

Conditions for Creative Artists in Europe

Report from
the EU Presidency Seminar in Visby, Sweden
30 March – 1 April 2001

Edited by
Professor Svante Beckman

Preface

As we now approach the end of the Swedish Presidency, we are pleased to present the final and printed report of the Visby meeting on “Conditions for Creative Artists in Europe”, which took place from 30th March to 1st April 2001.

The seminar had some 150 participants from almost thirty European countries. The majority of participants were creative artists active in the fields of literature, visual arts and composition.

It is our impression that the meeting was a great success. Many have expressed their appreciation. The most important aspect of the meeting was perhaps the fact that it brought together artists (or their representatives), experts and ministerial officials in this European context. Consequently, the issues discussed were concrete and of crucial interest to those primarily concerned. Another important trait was, of course, that representatives of the candidate countries took part on equal terms. This enriched the seminar considerably and gave it a progressive atmosphere. Last but not least, the meeting gave testimony, not only to the importance of creative artists in Europe but more specifically to how poorly they are rewarded for their creative work. Hence, a lot remains to be done in this area.

We have many to thank for making the seminar possible. Our local hosts, the three artists centres in Visby: the Baltic Centre for Writers and Translators, the Baltic Centre for Contemporary Art and Visby International Centre for Composers, as well as the Gotland local authority and the County Administrative Board, who devoted much effort to the meeting. A special thank you to the Swedish Institute, the Bank of Sweden Tercentenary Foundation, the Arts Grants Committee, to our co-organisers, the European Commission, and of course, to the joint leadership of the meeting; Maj-Britt Theorin and Svante Beckman. And on a more personal note, to Assistant Project Manager Sofia Grundström, who has been very much involved in most of the work. Finally, a special thanks to all the participants – without you there would not have been a meeting!

The editor of this report is Professor Svante Beckman from Linköping University and the Swedish National Institute for Working Life.

We would also like to remind readers of the background paper “Creative Artists, Market Developments and State Policies” prepared by the European Research Institute for Comparative Cultural Policy and the Arts (ERICarts), sponsored by the Bank of Sweden Tercentenary Foundation (Riksbankens Jubileumsfond) and distributed to all participants before the meeting. The background material and the report in this final version are available at the Swedish Presidency website www.eu2001.se.

Stockholm in June 2001

Claes Eriksson
Project Manager of the Visby Meeting

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Programme

Seminar on the Conditions for Creative Artists in Europe, Visby 30 March – 1 April 2001

Thursday 29 March

Afternoon	The three international artist centres in Visby are open for visits	Baltic Centre for Writers and Translators Baltic Art Center (Björkanders) Visby International Centre for Composers
13.00-	Registration begins	Wisby Hotell and Strand Hotell
19.00-	Welcome buffet Host: <i>Gunilla Thorgren</i> , State Secretary, Ministry of Culture	Fornsalen, Bildstenshallen

Friday 30 March

08.30-09.00	Refreshments	Björkanders
	PLENARY SESSION	
09.00-10.00	Welcome <i>Marita Ulvskog</i> , Minister for Culture Introduction and practical information Chairman, <i>Maj-Britt Theorin</i> , Chairman of The National Council of Cultural Affairs Chief Moderator, <i>Svante Beckman</i> , Professor at the University of Linköping and National Institute of Working Life	Björkanders
10.00-11.15	The Romantic Ideal of the Lone Creator and the Reality of Working Conditions, Dependencies and Status Problems <i>Jerzy Jarniewicz</i> , Writer, Poland <i>Jane Simpson</i> , Visual artist, United Kingdom <i>Claudio Ambrosini</i> , Composer, Italy	Björkanders

11.15-11.45	Coffee	Björkanders
11.30-11.45	Video <i>Kai Kaljo</i>	Björkanders
11.45-12.30	<p>Creative Artists, Market Developments and State Policies</p> <p>Presentation of conference background paper – the speech by <i>Ritva Mitchell</i> was delivered by her collaborators <i>Andreas Wiesand</i>, Publicist and Director, and <i>Danielle Cliche</i>, Project Advisor, ERICarts</p>	
12.30-14.00	<p>Lunch</p> <p>Host: <i>Lillemor Arvidsson</i>, County Governor</p>	Magasin 3
14.00-16.00	<p>Legal and Policy Frameworks for Artists in Europe</p> <p>1. Copyright Issues in Europe, <i>Jukka Liedes</i>, Special Government Adviser, Ministry of Education and Culture, Finland</p> <p>2. Social Security and Taxation in Europe, <i>Suzanne Capiou</i>, Lawyer, Belgium</p> <p>Discussants: <i>Dagfinn Bach</i>, Managing Director of Artspages International AS, conductor, Norway <i>Christiane Carlut</i>, Visual artist, France <i>Andreas Wiesand</i>, Publicist and Director, Germany</p>	Björkanders
16.00-16.15	Coffee	Björkanders

16.15-17.45	<p>EU, Subsidiarity and the Artists</p> <p>1. Presentation of the European Commission on competition rules, Culture 2000 programme, structural funds, mobility of artists (reference to new study) <i>Jean-Michel Courades</i>, Principal administrator, Unit Culture: policy and framework programme</p> <p>2. Expectations among artists in the candidate countries in view of the accession to the EU <i>Vytautas Martinkus</i>, Writer, Lithuania</p> <p><u>Discussants:</u> <i>Helena Vaz da Silva</i>, President of Centro Nacional de Cultura, Portugal <i>Stella Coffey</i>, Executive Director of the Irish Association of Artists, Ireland</p>	Björkanders
18.00-19.00	<p>Introduction to workshops</p> <p>Workshop A (Literature): <i>Maureen Duffy</i>, Writer, United Kingdom</p> <p>Workshop B (Visual Arts): <i>Sune Nordgren</i>, Director of Baltic Centre for Contemporary Art</p> <p>Workshop C (Composition): <i>Patricia Adkins Chiti</i>, President of Fondazione Donne in Musica, Italy</p>	Björkanders
20.00	<p>Dinner Host: <i>Marita Ulvskog</i>, Minister for Culture</p>	Gotland University College

Saturday 31 March

PARALLEL WORKSHOPS

08.45-09.00	Coffee	
09.00-10.45	Workshops A, B and C Presentation of Practices, Policies, Market Trends Panellists in each workshop present experience of models and issues in their respective countries.	Workshop A: The assembly-hall Aula, Gotland University College Workshop B: Björkanders Workshop C: Björkanders
10.45-11.00	Coffee	
11.00-13.00	Workshops A, B and C Discussion of Practices, Policies, Market Trends	Workshop A: The assembly-hall Aula, Gotland University College Workshop B: Björkanders Workshop C: Björkanders
13.00-14.30	Lunch	Wisby Hotell
14.30	Inauguration of Visby International Centre for Composers by <i>Marita Ulvskog</i> , Minister for Culture	Visby International Centre for Composers
15.00-17.00	Workshops A, B and C Discussion and exchange of information on three thematic questions. Are there lessons to be learned for creators/artists in other fields? 1. Threats or opportunities? Artists' experience with the new technologies. 2. The artist, an odd fellow? 3. What markets can do - and what they can't.	Workshop A: The assembly-hall Aula, Gotland University College Workshop B: Björkanders Workshop C: Björkanders

18.00-19.00	Concert: Ensemble SON <i>Jörgen Pettersson, Saxophone</i> <i>Magnus Andersson, Guitar</i> <i>Jonny Axelsson, Percussion</i> <i>Ivo Nilsson, Trombone</i>	Cathedral Church of St Mary
19.00	Dinner Host: <i>Inger Harlevi</i> , President of the County Council	Masonic Lodge

Sunday 1 April

09.45-10.00	Coffee	Björkanders
	<i>PLENARY SESSION</i>	
10.00-10.15	Video <i>Peter Land</i>	Björkanders
10.15-11.45	Reports from the workshops Discussion	Björkanders
11.45-12.15	Coffee	Björkanders
12.15-13.00	Final discussion	Björkanders
13.00-13.30	Conclusions Chief moderator, <i>Svante Beckman</i> , Professor, Sweden	Björkanders
13.30-15.00	Lunch	Wisby Hotell

Workshop A: Literature

Chairperson, *Maureen Duffy*, United Kingdom

09.00-10.45 New initiatives for authors' training
Lucas Cejpek, Writer Austria

Consequences of writing in a small language
Dimitris Nollas, Writer, Greece

Working as a writer in the developing market economies of
South East Europe
Esad Babacic, Writer Slovenia

Public lending rights scheme in the Nordic countries
Jesper Söderström, Director of the Swedish Authors'
Fund, Sweden

11.00-13.00 Discussion on questions attached to the previous panel
session

15.00-17.00 Discussion on a common set of questions (See 1-3 above).

Workshop B: Visual Arts

Chairperson, *Sune Nordgren*, Sweden

09.00-10.45

Artists and galleries in France since 1990

Irène Ruszniewski, Visual Artist, Deputy secretary general of the Visual Artists Union, France

Life after ten years with the Soros Foundation

Sandra Krastina, Artist, Latvia

Subsidised loans for private acquisitions of art

Bert Holvast, Artist, Federation of Artists' Organisations, Netherlands

Opening up the art market for newcomers, alternative trends, women artists etc.

Maria de Lourdes Lima dos Santos, President of the Observatório das Actividades Culturais, Lisbon, Portugal

Direct and indirect support - specific measures (selective grants, remuneration for works in public spaces)

Maria Sundström, Artist, President of the Swedish National Artists' Union (KRO), Sweden

11.00-13.00

Discussion on questions attached to the previous panel session

15.00-17.00

Discussion on a common set of questions (See 1-3 above).

Workshop C: Composition

Chairperson, *Patricia Adkins Chiti*, Italy

- 09.00-10.45** Spillestedtsloven (music and market)
Steen Meier, Composer, Statens Musikråd, Denmark
- From one political climate to another – How does it affect art?
Máté Hollós, Composer and Director of Hungaroton Records, Hungary
- The market for serious music in Spain, state, media, sponsoring.
Adolfo Núñez, Composer and Director of LIEM, Spain
- Copyright in Sweden. Challenges, problems and possibilities at the turn of the millennium.
Roger Wallis, Executive Chairman, Swedish Society of Popular Music Composers (SKAP), Sweden
- 11.00-13.00** Discussion on questions attached to the previous panel session
- 15.00-17.00** Discussion on a common set of questions (See 1-3 above).

Editor's Introduction

BY SVANTE BECKMAN

Professor at Linköping University and National Institute of Working Life, Sweden

This report contains all the presentations of the Visby seminar on the conditions of creative artists in Europe. They are published in the same order as they appeared at the seminar, under the heading of the sessions they belonged to. Authors have had the opportunity to revise their presentations in preparation for publication and I, as editor, have done some minor revisions and corrections. As pointed out by the seminar chair Maj-Britt Theorin, the fact that communication was exclusively in English had particular consequences. In the seminar discussions, as well as in this report, the English used is, with few exceptions, not British English – though spelling has been standardised according to its rules – but lingua franca English. By definition a lingua franca cannot be used “correctly”.

Here follows a short introduction to the content of the report.

Opening address

In her welcome speech, the Swedish Minister for Culture, Marita Ulvskog, presented the ideas behind the seminar. First of all it expresses a worried concern for the creative artist being often enough incomeless rather than jobless. Putting the conditions of artists on the European political agenda is the main idea. The principle that professional artists should be able to live from their work is stressed. The presence of a majority of active artists at the seminar reflects another principle idea, i.e. that the formation of policy concerning artists must involve a dialogue with the artists themselves. The presence of representatives from all the countries applying for membership in the EU reflects a concern not only for considering the conditions of the European artist on a broad, inclusive scale, but also a particular concern for the difficult situation for artists pertaining in Eastern parts of Europe. Finally the main practical goal of the seminar is to exchange information on the conditions of artists and on art supporting schemes in different European countries in order to learn from each other.

The romantic ideal of the lone creator and the reality of working conditions

The Lone Creator theme is given strikingly different interpretations by the three presentations in this session. The Polish writer Jerzy Jarniewicz questions whether poets actually should be able to live from their poetry, if this means an “institutionalisation” and “medialisation” of the author. The romantic ideal may be worth defending. Based on her own experience, British visual artist Jane Simpson, describes the great difficulties in sustaining yourself as contemporary visual artist. If you do not yourself reach out for publics, for customers and co-operation you are left completely alone and without an income. From bitter lessons the principle of DIY – Do-It-Yourself – emerges as the principal solution. Markets and patrons will ignore you if you do not take on all the roles of the art system as creator, gallerist, curator, financier, marketing director, etc. The loneliness of composers discussed by the Italian composer Claudio

Ambrosini has nothing to do with the spell of the old romantic ideal. The dominant ideal of composers has, on the contrary, always been that of close co-operation with many other musicians - directors, instrumentalists, singers, instrument builders, music producers, recording technicians, etc. Typically the composer also exercises several of these professions besides being a composer. The problematic loneliness of the composers of contemporary art music is that of the dwindling access to commissions, orchestras and listeners. Pioneering in music does not pay, and Ambrosini introduces the idea of a system of "pioneer's rights" that could finance innovative art production.

Creative artists, market developments and state policies

In the second session, Ritva Mitchell of the Arts Council of Finland presents the background paper prepared by the European Research Institute for Comparative Cultural Policy and the Arts (ERICarts). At the seminar it was actually Ritva Mitchell's two colleagues at ERICarts, Professor Andreas Wiesand and Danielle Cliche that made the presentation as Ritva Mitchell was unable to attend the meeting. Some of the points stressed concern the importance of big regional differences in art policy regimes in Europe; the speed of change; the complexity and heterogeneity of art supportive systems; the similarity of external pressures by markets and technology; the general trend in art policies from direct support (of artists themselves) to indirect support of art production, distribution and demand. There is urgent need to develop a coherent frame for comparing art policy systems as well as for close monitoring of a very dynamic situation.

Legal policy frameworks for artists

In the third session, Jukka Liedes of the Finnish Ministry of Culture and Education made the first presentation on the copyright issue and the second one on rules of social security and taxation was made by the Belgian lawyer Suzanne Capiiau. Discussants were Dagfinn Bach, a Norwegian conductor, Christiane Carlut, a French visual artist and Professor Andreas Wiesand of ERICarts also a writer. Liedes stressed the clash between two traditions, the Anglo-Saxon Copyright tradition and the Continental Author's Rights tradition. In the discussion also the traditional clash between communal (public) rights and privately held rights was stressed by Carlut. Suzanne Capiiau described the general mismatch of standard rules of work, taxation, social security, company law, etc to the deviating working and earning conditions of creative artists, generally to the disadvantage of artists.

EU, subsidiarity, and the artists

This theme is presented "from within" by Jean-Michel Courades of the European Commission, and "from without" by the Lithuanian writer Vytautas Martinkus speaking from the viewpoint of one of the candidate countries in Eastern Europe. Discussants were Helena Vaz da Silva, president of the National Centre for Culture in Portugal, and Stella Coffey, of the Irish Association of Artists. Coffey also made a written contribution published in the background report. After the seminar I asked Helena Vaz da Silva to let her commentary be printed in the report. Jean-Michel Courades makes a systematic overview of the rules and principle pertaining cultural policy in the EU. The

strength and meaning of the general principle of subsidiarity in the field of cultural policy stated in Article 151 of The Treaty is of course of particular interest. Vytautas Martinkus presents views on EU with the eyes of a Lithuanian writer. What can artists of Central and Eastern Europe expect from it? The extraordinary situation for artists in the countries of the former Eastern Bloc is pointed to, creating also a rift between generations. The difference between conditions at home and that perceived in the Europe of EU will however not make Lithuanian writers expect very much from joining the EU. Hopes that the status of professional artists in the East should be raised to the principles of economic standing and social protection adopted by UNESCO and by several European organisations are not high. They are obscured by the knowledge that also the standards of artists already in the EU seldom conform to them. Finally Helena Vaz da Silva (who is a former MEP) urged the Commission to engage itself vigorously in the conditions of artists.

The workshops

In preparation of the workshops participants had been asked to consider three issues; (1) Threats or opportunities? Artists' experience with the new technology questions. (2) The artist, an odd fellow? (3) What markets can do – and what they can't. (These questions are elaborated in the background paper.) The reports from these discussions are published last in each workshop section. They all contain summarising views of the conditions of the three artist professions scrutinised, suggestions for improving the situation of European creative artist, as well as views on how the initiative of the Visby seminar should be followed up. Four or five speakers in each of the three workshops had been asked to give presentations focussing on descriptions of how aspect of the art policy system in their respective countries worked. Exchanging information, even detailed information of very special art supportive arrangements in various countries was very much at the heart of ambitions of the seminar.

Workshop Literature

This workshop was chaired by Maureen Duffy, writer from the UK. Lucas Cejpek, an Austrian writer, made a presentation under the title “New initiatives for authors' training” while he as a matter of fact made a general review of the literature policy situation in Austria, characterised according to his views by general negligence. Next Dimitris Nollas, writer from Greece, spoke of “The consequences of writing in a “language not widely used”, one of the most impertinent of which is that you have speak about it in an imperialistic lingua franca. Translations are stressed, but also the need to defend the “small” languages and their special qualities for artistic expression. Esad Babacic, writer from Slovenia, speaks with sharp irony about the expectations that writers from Eastern Europe should cherish their newly won freedom from the communist yoke and tell stories of their former suffering. Babacic refuses to suffer. Finally Jesper Söderström, director of the Swedish Authors' Fund, gives a comprehensive presentation of the Public Lending Rights scheme in the Nordic countries.

Workshop Visual Arts

Chaired by Sune Nordgren this workshop contained presentations by French visual artist Irène Ruszniewski describing the development of galleries in France since 1990. Latvian visual artist Sandra Krastina tells about the development of new institutions for supporting contemporary art in Latvia in consequence of the initiatives of the Soros Foundation. Bert Holvast of The Netherlands makes an exposé of the unique Dutch system of subsidising private acquisition of art. Maria de Lourdes Lima dos Santos, President of Observatório das Actividades Culturais in Portugal presents detailed information on trends in the conditions of Portuguese visual artists. Finally Maria Sundström, visual artist and President of the Swedish Artists' National Organization, makes a general inventory of how the Swedish public support system for visual artists works.

Workshop Composition

The workshop on the conditions of composers was chaired by Patricia Adkins Chiti, President of Fondazione Donne in Musica in Italy. Composer Steen Meier of the Danish Council of Music describes the unique Danish system of promoting stage music by a system of co-operative funding of regional music clubs by the State, the regional authorities and the municipalities. Máté Hollós, Director of Hungaroton Records in Hungary, describes the consequences for art music production in Hungary when going from one political system to another. Spanish composer Adolfo Núñez, Director of LIEM, accounts for the principal supportive institutions for contemporary art music in Spain. Finally Roger Wallis presents a particular Swedish exchange system of commissioned musical works, based on a collection society scheme for music rights also used for distributing grants to composers. He also provides general information on the very dynamic developments of music in latter years in Sweden.

Supporting European artists – Concluding reflections

In the final section some principal issues raised at the Visby seminar are discussed. It is not a summary of all the contributions to this report. I discuss the principal problems of the professional status of artist, of their rights and their relations to the EU. In a latter half of the paper there is an attempt at developing a general frame of reference for describing artist support systems, that Ritva Mitchell called for, when presenting the background paper from ERICarts. That frame departs from asking four elementary questions: Why are artists supported? Which artists are supported? How are artists supported? And who (or sometimes what) is doing the supporting?

As the editor of the report I would finally like to thank all those involved in producing it; all the contributors and Claes Eriksson, Project Manager of the Visby Meeting, Sofia Grundström, Assistant Project Manager, who also, together with Mikael Lundgren at the Ministry of Culture and Jens Cavallin at the University of Linköping, was very much involved in the editing.

The Visby seminar started on a winter's day with chilling northern winds over The Baltic. It ended on a wonderful and warm first day of spring. This seems to be a good omen for the initiative of the Swedish Presidency and eventually for

the conditions of artists in Europe. That day, however, was the first of April and judging from the information provided by this seminar, one can sometimes wonder if artists, in terms of economic and social returns to their work, often enough end up as April's Fools.

Stockholm in June 2001
Svante Beckman
Editor

Opening Address of the Visby Seminar

BY MARITA ULVSKOG

Minister for Culture, Sweden

Ladies and gentlemen, dear friends,

I am delighted, and honoured, to see that so many of you have been able to come to a meeting to which I personally attach great importance – our presidency meeting on the conditions for creative artists in Europe.

To my knowledge, this is the first time that a group of this kind has assembled as part of a presidency programme in the EU. Artists, other experts and decision-makers from almost 30 European countries are gathered here; and I would like to extend a very special welcome to all the artists taking part!

It may be worth recalling that long before international projects like the European Coal and Steel Community, and of course the European Union, existed, artists were moving abroad, and travelling back and forth across European frontiers, meeting and collaborating, learning from one another and consequently acting as bridge-builders between people and countries. In this way, artists always have contributed significantly to the realisation of the goal of peaceful coexistence between the countries of Europe.

The identities of the European countries have, down through the centuries, to a great degree been shaped by artists. There is a unique cultural heritage in Europe that tells us about our differences and similarities, which we have inherited from previous generations. The question is what we, the present generation, are adding to this heritage for generations to come.

In most countries even well established professional artists have difficulties to live on their artistic work. The great majority are forced to seek out supplementary sources of income on the side – as teachers in their own fields, if they're lucky, but increasingly in fields that have nothing to do with their work as artists.

A Swedish author once wrote (in an angry newspaper article) that it is artists who are the greatest patrons of the arts – since to a great extent it is the artists themselves who bear the costs associated with creating, performing or presenting the works of art, that we as the public meet; through unpaid work and often by investing their own financial resources or those of people close to them.

Artists are not jobless so much as incomeless. This lack of income, this state of incomelessness, occurs not just when the work of art is being created. In the case of most artists, this situation also lasts throughout their lifetime, long after he or she could be described as an established name.

Most decision-makers view the enhancement of opportunities for artists to live on their work as one of the most important tasks facing us in the cultural policy field.

On the one hand, this may involve making sure that artists are properly paid for their artistic work and for the use of their work. On the other, it is a question of developing supplementary systems of public support and regulatory frameworks that both facilitate artistic development and ease matters for artists in their daily lives.

In the background material produced by ERICarts for this meeting, and which has been sent to you all in advance, there is an interesting and detailed account of models and strategies that build on these two approaches.

What, then, is the point of bringing up these issues in a European context? After all, everyone knows that the principle of subsidiarity rules in the cultural field in the EU. Or in other words, that each Member State has the sovereign right and responsibility to decide its own cultural policy itself without interference from other countries or from the EU. Is the Swedish Presidency proposing the introduction of new rules at Union level or the harmonisation of Member States' cultural policies? No, of course not. Sweden strongly supports the principle of subsidiarity. National cultural policy must be pursued on the basis of whatever conditions prevail in the country concerned.

So, why this meeting? My answer is that – even if working conditions for artists have been a part of for example my everyday work for five years, even if I have daily discussions with artists about the difficulties they encounter, and even if I have commissioned a number of inquiries in this field and also studied the resultant findings and recommendations and turned many of them into government decisions – I still have a lot to learn and a lot to do, as every decision-maker in this field. Efforts to improve conditions for artists are under way in all European countries, with slightly differing approaches and applying different models. In my view, this gives us an extremely interesting opportunity to learn from one another's experiences.

We have much to gain from initiating a dialogue on these issues and exchanging information and experience in various ways. And, as the European Union is currently in the process of acquiring a large number of new member states, this dialogue – which of course is universal in character rather than simply European – should also be conducted with the applicant countries. The EU's new framework programme in the cultural policy field, Culture 2000, will also be opened up to allow the applicant countries to participate. To better understand the conditions prevailing in your countries, a special welcome to you, representatives and artists from these countries, to this meeting.

So, it is my sincere hope that this meeting will point a way forward, by establishing new areas of contact, by explaining and listening, by exchanging ideas and experiences concerning ways of and strategies for improving the conditions of creative artists in Europe. The Visby meeting may perhaps lead to further meetings of a similar nature but this time attended by other artistic groups and focusing on other issues than the ones being discussed here. I would very much like to think so.

Finally, I would like to thank some of those who have been particularly instrumental in bringing us here. For instance, our local hosts, the three artist centres, the Gotland local authority and the county administrative board. But I would also like to thank the Swedish Institute, the Bank of Sweden Tercentenary Foundation and the Arts Grants Committee. And a special vote of thanks, of course, to our co-organisers, the European Commission. Without the participation of you all, this meeting would not have been possible. At least not with such a broad range of delegates and such an extensive programme!

Enjoy the fruitful discussions. Enjoy the new knowledge, the facts and the passion. And enjoy Gotland!

The Romantic Ideal of the Lone Creator and the Reality of Working Conditions, Dependencies, and Status Problems

Killing Dragons and other Literary Jobs

BY JERZY JARNIEWICZ

Writer, Poland

When Philip Larkin, one of the most popular British poets, was asked whether he found it strange that poets, apart from writing, should have some other, practical profession, i.e. work in a library, bank, insurance company, he reacted with disbelief, answering with a teasing question, “Sure, they don’t kill dragons, do they?”

We can interpret these words as an illustration of Larkin’s consistent refusal to accept the romantic belief in a special, privileged status of the poet placed outside the domain of common, everyday life. But these words may interest us also for a different reason that points to the conditions of the poet in modern society. It is symptomatic that Larkin, commonly regarded as one of the most popular post-war poets, could not, even if he wanted, maintain himself solely on what he earned from poetry. He could live on his royalties only when he published his Oxford anthology of British verse, which was included in school syllabuses. If this was the case with one of the most widely read poets, then what can other, less popular poets expect?

If there is any profession that is still associated with the ideal of the lone creator, it is surely the poet, and yet, as we can see, the ideal seems ridiculously anachronistic. Today these lone creators, in order to function as writers, have to resort to various public roles and professions.

And indeed most poets do perform these public functions, having jobs other than writing. Even the Nobel Prize winners, such as Seamus Heaney or Czeslaw Milosz, hold to their academic sinecures, for reasons, which may be partly economic, partly associated with their need to remain public figures. But Heaney in one of his early interviews, when his financial security which he now enjoys was still a distant future, claimed that “poets shouldn’t work too hard at other jobs, because I think if you commit a lot of your attention and your tension in another place, you close those receiving stations.

I think that if you’re going to be a poet, you have to think of yourself as a poet”. Though Heaney speaks here of poets, his opinions apply to all creative writers, poets stand here as *pars pro toto* for those authors who are most autonomous, independent of external pressures of the market and harsh realities of life. Heaney’s words, contradicting Larkin’s down-to-earth stance, foster the idea of a writer who needs to be independent, also economically, in order to remain creative. That independence has usually been linked with the image of a lone creator, which in our times, however, has to be verified.

In this paper I would like to suggest that today rather than of alienation we can speak of the institutionalisation of the writer. Contemporary writers more often than not change into literary institutions. Rather than working in non-literary jobs to make for their living, they usually conduct literary workshops, lecture at

universities, write book reviews and literary criticism, edit literary magazines, resort to well-paid tasks such as writing books for children, biographies, film scripts, or compile anthologies. Contemporary society offers a wide range of literary, or quasi-literary jobs, which help writers go on with their primary duties, or at least seem not to collide with these duties. Writing stops being perceived as a vocation, and becomes first and foremost a prosaic (if you pardon my punning) profession.

On occasions like this writers evaluate and scrutinize cultural policies of central governments, local administrations, arts councils, charity groups; these institutions, prioritizing political and economic goals, have often come under attack for their philistine indifference to culture. Authors expect that these institutions, apart from creating culture-friendly-legislation, will support writers with their financial assistance, offering them grants, scholarships, awards, but more specifically – contributing to the costs of the production of books. Let me say a few words about this latter form of financial assistance to literature.

The widespread practice of subsidizing the publication of books seems to me to be one of the most characteristic, and controversial features of today's cultural policy towards writers. In Poland most of the public money allocated for subsidizing literature does not go directly to writers, but to publishers. Publishers, especially of poetry, drama and of the more daring types of fiction, publish books only if they are financially supported. Nearly all the books that we can find in the catalogue of one of the best poetry publishers in England, the Newcastle Bloodaxe Books, have been financed by Arts Councils. In Poland it is a rule that poetry books, even of the most popular authors, are subsidized by cultural institutions: the Ministry of Culture, local councils, various state and private foundations.

Though the situation is far from being ideal, it seems that to obtain a subsidy for a publication of a book is relatively easy. With new, low-cost and easily available technologies it becomes less and less difficult to produce a book.

Publishers often capitalize on this system. I have heard of publishers in Poland who receive grants for a publication of a given book, publish it, but then find it more economical to give away all the copies to the author or even to store the whole imprint in a half-forgotten cellar than to risk high costs of its distribution. Subsidies paid for the publication of books constitute the main source of income for many small publishing houses. The subsidies maintain and help publishers, that are true, but how often do they help the books?

Let me be plain about it: The problem is now not how to publish, but how to sell the published book. How to make it noticeable, not only in the bookshops of the publisher's own city, but also all over the country, not to mention foreign markets. And here first fiddle is played by the media.

One could claim that the crucial change in the role of the writer, apart from the institutionalisation of the profession, is not so much the waning of the romantic ideal of a lone creator, but the unprecedented impact of mass media on the

literary scene. Writers, and literature, have been “medialized”. Television, radio, and the press not only inform about the literary scene, but actually – create it. The initiative has been taken over from the writers, and is now in the hands of journalists.

Writers do write books, indeed, but it is journalists who create bestsellers; writers work in the solitude of their studios, but it is journalists who create literary groups and movements; writers do generate value, but it is journalists who construct literary hierarchies.

If the writer wants to exist on the market he or she should start an intimate liaison with the media, or to put it bluntly, has to sign the devil’s pact with the media world. Writers today, if they want to be recognized at all, have to forget about the sanctuary in which they confined themselves like monks and where they could devote all of their time to art. They have to accept a variety of public roles that the media require from them. As institutionalised writers they will be expected to comment on topical issues, discuss political events, review new films, talk about their personal life, and provide the media with their family photographs.

And the media, irrespective of whether they count among the quality press or tabloids, rather than discuss the literary work will offer their readers a gallery of “literary” snapshots: the novelist with her husband, the poet with her son, the playwright with his favourite dog, the essayist working in his garden. Writer as lone creator? The very idea seems thousands of light years away. Today we can only talk about the writer as the most public of all public institutions.

This public aspect of the institutionalised life of the writer is worth further comments. Today the writer’s role does not confine itself to writing, nor even to publishing a book. The present day writer will have to turn into an actor, a performer, histrionics follows institutionalisation, as literature becomes a grand public spectacle. Irrespective of whether the writer has dramatic talents of Dylan Thomas, or has a serious speech impediment, he or she has to participate in public ceremonies called “readings”. It is almost a rule now that agreements signed by authors with their publishers include a stipulation that the author is obliged to take active part in the promotion campaign of the book.

This turns authors, these supposedly lone creators, into entrepreneurial public figures, whose life is measured not with coffee spoons, but with public readings, as is the life of film stars, top models, or rock musicians.

When some time ago a friend of mine, a British poet, wanted to invite me for dinner, he opened his calendar and read the timetable: “tonight – reading at the Odeon Cinema in Oxford, tomorrow the John Ruskin School in Norwich, on Friday Adelphi Theatre in Sheffield, on Saturday the launching party at the publishers”. The calendar of the once lonely creator looks more like an itinerary of a rock group. The processes indeed are analogous: in rock or pop music it is not enough to be a good musician, one has to act in video clips since without them there will be no place for an artist on the music scene.

By analogy, it is not enough to write a good book, you have to take part in the media-run grand spectacle: invent an interesting self-image, learn the art of theatrical gestures, exercise the command of your voice, give witty and entertaining answers during interviews, appear in an original, or eccentric dress, try to sing or perhaps play the harp, the guitar, or at least the tambourine. Literary gift and dedication seem in this context absurdly out of place, so brutally overshadowed by the writer's social, entrepreneurial and showman-like qualities.

Though I have concentrated on the practices of poetry readings in Britain, one can observe similar processes at work also in the former Eastern bloc countries. Before the fall of communism public readings were a rarity, as the regimes were afraid of anything that was not under their complete control and that could develop independently of their scenario.

In Poland new dynamic literary groups that emerged after 1989, no matter how iconoclastic they may be, know very well how to deal with the media. They have been brought up in a world created, and governed by the media, they are often natural-born showmen, and that is their practical advantage over the older generation. They know how to sell. Apart from producing novels, poems, plays, they write scenarios for TV soap operas, give regular interviews to gossip press, have their programs on TV, publish records and perform with rock bands. And what is even more important, they now know how to act collectively.

Engaged in this strange connivance, both sides seem to be happy: the media have news and celebrities, the writer gains unprecedented popularity. Which means that writers are known also to those who do not read their work. Or perhaps one should say that they are known primarily to those who do not read their work. The blessing is ambivalent.

The seemingly natural correspondence between the popularity of the writer and the popularity of his or her works disappears. Writers, whose works and lives are processed by the media, are consistently detached from their work. It is interesting to look at the ways in which literature has recently appeared in the media. Discussions focused on the advance Martin Amis got for his "Information", the question of whether the frustrated writer in the novel was Julian Barnes, how many copies "Harry Potter" sold and is it already a world record, how long would Salman Rushdie remain in hiding and who is his new girlfriend. Sometimes the topics of these supposedly "literary" discussions seem more ambitious, media for example devoted much time and space to the discussion of Peter Handke's support for the Serbs, or, earlier, of Gunther Grass's critique of the unification of Germany. No doubt, we have got here lots of exciting "literary" themes, topics, problems. But... Where is literature in all this?

The problem is that voices of dissent cannot be heard. The omnipotence of the media resulted also in the actual destruction of the literary critic. Between the critic and the media there is a similar secret liaison that exists between the writer and the media. The role of the critic, now usually referred to as the reviewer, is to advertise the book, as one advertises a commodity. Critical reviews are

disappearing, as well as more serious analytical works, which could question the falsified reality of the so-called literary scene created by the media in collaboration with certain writers.

I am well aware that any overall view of this kind faces the danger of falling into a trap of generalization. To avoid misunderstanding one has to make a distinction here between two types of writing which constitute two conspicuous extremes of literature. One is the writing, free from the demands of the market, whose sole loyalty is to literature. The other is writing that treats novels, plays or collections of poems as economic commodities, goods of the same order as shoes, automobiles, or perfumes.

There are novelists whose primary objective is to produce well-made books for the reading public, often quality products with a built-in obsolescence, which may function as bestsellers for a year or two, and then are forgotten like yesterday papers or last year's pop songs. Such writers measure their success by the number of copies sold, and in consequence by their bank account. They are, and should be judged as, businessmen and entrepreneurs of culture. But there are writers who pursue their artistic goals irrespective of the ever-changing law of supply-demand. Their books cannot be treated as commodities that should justify their existence by high sales. I hope that when we talk about writers during occasions like this one, we think of that latter group, the bestseller writers do not need seminars, conferences, writers' unions; they need lawyers, managers, agents, and consultants. It is literature that goes against the grain of the market that requires special attention of the forums like this one.

The problem is that it is difficult to distinguish between the two categories, between artistic and commercial writing. The two poles I think are clearly defined, yet between them there is no obvious gap, rather a continuum leading, let's say, from Angela Carter to Barbara Cartland through the vast mid-territory occupied by the likes of John Irving, but also Paul Auster or Kurt Vonnegut. I do not want to look down upon commercial writers, they are needed and should be respected for their work requires skill, competence and talent of its own kind, but we should remember that their problems are of a completely different order than the problems of non-commercial creative writers, who like Larkin, do not, and do not intend to, make a living of their art.

Media create virtual literary reality, which I have called here the grand spectacle, it is often the world of literature without literature. In consequence of their mediation the focus shifts away from the work itself. The novel, the play, the poem, is demoted to the status of a pretext for an ongoing reality show. In effect before readers reach the literary work, if they reach it at all, it is already transformed, or transmogrified by the media.

There is still a chance that this institutionalised and histrionic literary life will meet with resistance. With an easy access to new means of dissemination and reproduction, a new, alternative literary world is being born. Writers start writing for the initiated few, works are being published in samizdat, or fanzine-like publications, in small editions distributed among friends and followers, or

via the Internet. In due course literature might liberate itself from the demands of the market, the problems of insufficient subsidies and ineffective cultural policy will eventually evaporate. Writers will perhaps be able to dedicate themselves to writing, leaving aside the literary theatre.

But as yet the grand spectacle of literature continues, with fireworks, explosions, sophisticated stage machinery. Many writers have joined the company, ready to take part in the show. Who knows, maybe one day they will be asked to play the role of lone creators killing dragons in a fantasy version of the soap opera called “The Loneliness of a Long-Distance Writer”. And Larkin’s ironic words will get an unexpected new meaning.

The Lone Creator

BY JANE SIMPSON

Visual Artist, UK

Firstly I would like to say that the phrase a fish out of water has never felt so relevant. But I can see how inviting “real” artists to such a conference could be of use. That’s why I accepted this challenge. Excuse my use of language, as this is a speech from the heart. I am here as a practitioner – I normally perform in objects, and leave them to speak for themselves. I hope that this story will be of some help to explain the realities of being a practising artist in London, I obviously cannot speak for the whole of Europe.

In order to explain the situation of being a contemporary artist in London today, I have to explain some of the climate of the art world over the last 10 years. I am 35, from Wales, and I came to London to study, at Chelsea School of Art in 1985. This was a boom time for London. Goldsmiths was achieving notoriety as a breeding ground for the next hot artists. Their approach to teaching was radical, critical theory was as important as the practical, their provocative style broke the mould of the traditional academy style of teaching. The professors asked the students questions, rather than just informing. The attitude was that you were an artist, as soon as a student and so had to take on the relevant responsibilities.

All the art schools in London became quite “self conscious” as a result. Commercial gallerists were visiting the degree shows and signing up artists, something previously unheard of. It felt like an art soap opera rather than a reality to us. Its commercial involvement also dirtied the whole thing, we stood steadfastly by our principles, pretending not to be bothered that the gallerists didn’t visit us.

I left in 1988 feeling I could take on the world, and soon crumbled. If I ever thought I was poor as a student, then nothing could prepare me for what was to come. The realities of part time, low paid work with studio rent and materials to pay, while still attempting to be creative was too much. With ever increasing family pressure to make a living out of my chosen profession (not unreasonable as they had supported me all through college) I tried to adapt my creativity, I attempted to become a scenery and props designer, a community arts and youth worker.

This whole period was very unsatisfactory, because of course I failed miserably, as these too are vocational worlds, it left me feeling as if I was trying to be something I wasn't.

At the back of my mind was lingering the thought that if success hadn't happened for me by now it wasn't going too. A kind of Goldsmiths hangover. Also the climate had changed dramatically in the last three years as a recession

was looming, and the galleries couldn't afford to take on new artists or take risks with their programmes.

Artists, ever resourceful in the face of adversity, reacted in the most positive way. They were inspired to run their own galleries and curate their own shows. Freeze, Modern Medicine, to name a few. This was as much about taking back power as a necessity. Money equals control, in the art world as in other worlds. By artists creating their own opportunities, they were able to show what they liked. The censorship in being forced to show more commercial work was not applicable.

Ironically, out of this situation came some of the most financially successful artists Britain has ever seen. Sarah Lucas, Gary Hume, Damien Hirst to name a few. The artists were taking the power out of the gallerists hands and they were in no position to fight back. My generation of artists “grew up” with this emphasis on DIY, being pro-active about your work, rather than waiting in your studio to be discovered, organise your own shows. This is a philosophy that I share with my students now I call it – DO IT YOURSELF.

My particular art world seemed to take a strange turn now as instead of joining this brave new art world I returned to college to three year MA course in the oldest art school in London. The Royal Academy School, is about 300 years old, has 60 students, and is where Reynolds studied. This gave me a studio, a grant and some materials. I could concentrate, without any of the financial pressures and left I knowing WHY I wanted to work as an artist. This in hindsight is more than half the battle. Knowing “why” as well as “how” to be an artist is for me one of the most important parts of my teaching methods. This discovery can equip the students for the rocky road ahead. Motivating them into action, to be part of something, and that by being at an art school, they already are.

One of the questions posed to us was this idea of the “ideal” of a lone creator. This relates to the concept of the starving artist in the garret whose work only becomes respected seen, or valued long after they are dead. In this age of new fast technology the time period between an artist producing work and achieving some kind of success, is relatively short. Just a few mentions in the media, and success – however temporary – is promised. The idea of being “alone” is related to the genius creator, that there is no need to look at what any other artists are making. There is something quite arrogant about believing that no communication is needed. A critical discourse is a vital part of production, and is constructive, not distracting.

Just this very attitude creates problems and alienates artists. We are very much part of the real world, it is about this that we are very preoccupied for our subject matter. We don't see ourselves as being so different.

In art education, the boundaries between the main disciplines are blurring, so hopefully are the boundaries between ourselves and other cultures and audiences. Art schools have been forced to expand in the last 10 years. Quite simply their budgets are increased with the amount of students they accept. The

ratio of students per year increases the budget. Somehow this adverse climate can make the students more determined and work harder. I am not suggesting that art schools don't need more funding, of course they do!

What isn't at all helpful is the loan system, the majority of students leave college with massive overdrafts and a student loan outstanding. This is one more financial burden to their new life, of studio rent, material bills and no grant cheques. What is important to be funded is "after care service" so to speak, I refer to this further on in my text, when I describe the courses run by SPACE studios charity.

This increase in eager, needy graduates drains already flagging resources. Artists fees are only available with very well funded institutions more often than not the artists fee has become just part of the budget, usually spent on materials. The main problem with juggling part-time work and producing art is how flexible your employer is – you never know when an opportunity to show or to do a talk appears. The round of curious jobs has been normal for artists, I have worked as a accounts assistant at Buckingham Palace, a secretary for an art gallery (with my spelling it was an unholy disaster). I finally set up a small business as a caterer for art parties. This allowed me the flexibility I needed.

Artists have (had to) become more professional, and better "equipped" for art life. We ask for and expect certain conditions like any other professionals. We have to be our own business managers, or at least know a good one. Commercial is no longer the dirty word it used to be. Thankfully selling work isn't seen as selling out. BUT sales can never be relied upon. The art market and the stock markets are very linked, and both can fluctuate in a few days, just as in the last two weeks the fall in the stock market in both America and Japan has resulted in several large sales being cancelled, from the gallery I work with. This of course puts a huge strain on all the gallerists and artists alike.

So relying on an income from the commercial art world creates a yo-yo affect that may confirm any insecurity. Even strong-willed artists can loose faith in their own ability when faced with debt. Employable skills or our lack of them have traditionally placed artists out of the job markets. But the use of new technology in art also has enabled artists to use the computer, skills of filming and editing that they acquire from their work to provide an income.

The days of painting and decorating are not completely over, but at least the spectrum of work available has widened.

There are always grants and residencies, I hear you cry! There is no such thing as "Free" money. The grants are often involved with some teaching, a community arts program, or some kind of result. Grants to enable artists to just do their work are just not enough these days. There is a certain amount of pay back, or add-ons as I call them.

I was recently involved in my first residency in Shoreditch Town Hall in London last year. It was not a success. The main reason for this was that the

board of Trustees that appointed me was made up of many different voices who all wanted their own input and also wanted to have their wishes demonstrated. I was to be an installation artist, a coffee morning for local schoolteachers artist, a community artist, educational artist, a performance artist and my own press agent, oh yes and to make some work, if I had the time. Consequently the only part that was a success was the art. The experience left both sides feeling less than satisfied.

You aren't going to please everyone, and if you do then it is likely to be bland and meaningless. The work I produced was, on reflection very exciting, and has formed the basis for many projects since, but at the time the overwhelming feeling was of FAILURE.

There are quite a few awards given today, which have become more beneficial to the donor not only the winner. The Turner Prize is as much about promoting the Tate as it is about the artists. In stark contrast The Paul Hamlyn award, which is sometimes given to artists. It comes from a private fund - five prizes of £30,000 are given out. The payments are spread over 3 years, and it is a no "fuss" prize, with very little press attention. The grant has been devised in consultation with artists, therefore their needs seemed to have been addressed. Some artists thrive on the media attention that the Turner Prize gives them, but some very clearly don't, and why should they have to?

The Arts Grants Committee in Sweden has begun to address this problem. They have a system of grants, which are given to artists. There is no exhibition involved, no report, no community work, and no residency required – the money is simply just given. Adding to the artists income to help them produce their work. Of course these grants are not just handed out. They are given to artists working semi-professionally and who are seen by the board to be worth supporting. ERICarts noted as one of the significant changes of the last ten years that grants etc are been given on merit not membership – at last.

An important part of my art life is being involved in CUBITT Gallery and studios. I have been a member for six years. Cubitt is an independent artist run organisation, established in 1990 providing centrally placed, collectively managed artist studios and a gallery. Because the gallery is open to the public, the building has charity status, which reduces the rates we have to pay on the building. It has run a very successful wide-ranging program, all coordinated on a voluntary basis. The gallery has recently achieved revenue funding for three years from the London Arts Board. We have created a unique position, which we are determined to uphold because of our central location.

Artist run spaces and studios are being forced out of the centre of London because of high rents. In fact they are now unable to afford the East End, the area they made fashionable. Forming kind of artist ghettos, in very inaccessible places. The only visitors that make the trek out to such areas are fellow artists, and those directly involved in the exhibition – the already converted.

We strongly believe that our central location, and its easy access has directly resulted in broadening our audience. Strangely enough we feel the money has come at the right time, despite our efforts for the last 10 years. We know that we will use it well, the most important thing is for us to provide a challenging program. We have the possibility to be flexible, and can take risks and show work that is either uncommercial, or impractical. My role has been fund raising for the gallery and studios. We felt that artists have a bad reputation, of wanting but not giving much back! We wanted to turn that around and produced a box set of limited edition prints, an old idea but made with care, and great attention to detail. The overwhelming response of the purchasers was of surprise that an artist-run gallery could have produced this set. We succeeded in raising sufficient for us to move buildings, and to remain in central London.

The artist-run organisations are truly a good reference point for any policy or decision-makers. These are initiatives, which are set up by artists for artists and we know what we need and why.

Another artist run space, which I consider very important in the make up of London art scene, is SPACE STUDIOS. For the last 30 years it has converted many buildings into studios for artists. It has now grown with artist needs, to one of the largest visual arts resources in the capital. Its brief has changed towards an arts educational charity. As well as having affordable studios, they offer equipment to hire at very reasonable rates. Students learn video editing at school and are unable to afford access to such equipment when they leave. The already existing London Electronic Arts is well out of reach of most new graduates pockets. SPACE is helping bridge the gap between producing and making a living. They specialise in what I call “after care” courses in practical help in being an artist.

Called – LAUNCH PAD – they are open invitations, at a low cost. Speakers included Michael Craig Martin, a figurehead of Goldsmiths College, responsible for educating some of the biggest “names” of the last 10 years, and artist, Gavin Turk, who from the outside is a successful artist. He outlined the pitfalls, and gave some survival tips. The day highlighted such topics as practical advice on approaching galleries focusing on the areas of expectation and reality. For example, making sure the gallery you approach is appropriate to your work, by looking at the gallery’s previous programme.

A representative from “Space Explorations” an organisation, which specializes in site-specific projects, described each part of the process from finding locations to funding. The day included a portfolio surgery, a chance for an artist to brush up on their presentation skills. A fresh viewpoint of the way an artist’s work might be perceived, through an examination of their portfolio. Marketing and promotional strategies for artists, was also included – this was run by the marketing manager of Camberwell College of Art. This in itself is a very telling development, that an art school has its own marketing manager. The discussion was around the different and varied methods that you could use to promote yourself and your work. All through the day small side workshops were running, accounts advice, and a practical guide to being self-employed. The day was

meant to portray the real life of being an artist – the highs are better and the lows worse!

Finally, I would like to share a comment on the situation of public galleries in London. I think it exemplifies the difficulty of being involved in either public sector or artist run organisations.

It was made in the editorial section of Art Monthly, the most straightforward of all the art journals, national but with an emphasis on London. The contributors are a mixture of artists, writers, and curators. It describes a rumour going round London, that a leading curator had been offered a post running a public art gallery, and bolted after a week. It then questions why this news should have been received with such shock. It talks of the difficulty of finding people willing to take on a public funded gallery.

The lack of suitable candidates it is not just about the poor pay and the struggle to run a challenging programme on dwindling public subsidy. There is also the factor of endless fund raising, to supplement meager revenue funding. There is also a lot more administrative paper work, to satisfy the various review processes instituted by funding bodies, which saps energy. It is the Catch 22 situation the galleries find themselves in, if they prove to be successful. This could be in media profile, fund raising, attendance. If you fail in some of those areas, your grant will almost certainly be reduced, and so also if you are successful, your grant will also be reduced, because you are seen as not needing help.

This short-term thinking is driving public sector galleries into the ground, or into the arms of the private sector, either sponsored exhibitions, which have to compromise heavily. They exhibit more well known artists whose commercial gallery will help with production and catalogue, as well as some sales commission to add to the pot.

Sponsorship is not a dirty word, especially when it comes to material sponsorship, for production. It is the core funding sponsorship that sways the balance and does ultimately affect the feel of the show. They describe them as sponsor pleasing.

This clearly shows the dangers of the private sector, but I hope I have also highlighted that the contemporary artist of today is not scared of these words commercial and sponsorship, but wants to deal with them on their terms, not be forced into it for the lack of alternatives.

A Modest Proposal

BY CLAUDIO AMBROSINI

Composer, Italy

Minister Ulvskog, ladies and gentlemen, I would like to thank you all heartily for the important opportunity you are giving to artists with this meeting.

Let me first tell you a few words about my hometown, Venice and its past, since I think it will greatly help us to understand the present situation for a composer like me, in my own country and in general.

As you all know Venice is a town with a great tradition, both in music and in the other arts. But especially in the XXth century there has been something like a “musical renaissance” (with innovative composers like Gianfrancesco Malipiero, Bruno Maderna and Luigi Nono), which immediately takes us back to the true Renaissance days when Andrea and Giovanni Gabrieli, or Claudio Monteverdi were composing and performing in St. Mark's.

In those days Venice was a true “island of musical freedom”, especially since the Vatican discouraged from using instruments in vocal works. So Venice was not only the place where instrumental research could continue developing freely, but also where new forms of musical approach could be conceived. Among these I would like to remind at least the “cori spezzati” (split sound sources) technique of variously alternating two organs first, respectively on the left and the right of the high altar, then two or more contrasting ensembles, like voices and instruments, or strings and winds, scattered about the many balconies inside St. Mark's. It was a revolutionary way of conceiving the composition, performance and appreciation of music, nearly a prototype of today's stereophonic or quadrasonic playback, only some centuries in advance... St. Mark's could reasonably be called the “IRCAM” of those days!

Why am I mentioning all this? To stress that research and experimentation has always been part of the Venetian attitude towards art and music, and I often have occasion to say that in order to be a true “traditionalist”, in the Venetian sense, I must be an avant-garde musician, I have to look ahead, and try to go on.

But today there is no IRCAM at St. Mark's. And there is very little encouragement for artists in general. If one feels the importance of keeping the heritage of the past alive and aims at its further development one has no other choice than to do it oneself. And this is what I personally did, founding some twenty years ago an ensemble (Ex Novo Ensemble) and a small centre for instrumental research (CIRS, Centro Internazionale per la Ricerca Strumentale), both self-supporting. This was mainly done through self-taxation, but this also means that in the end the musician's income is taxed twice: first “internally”, to cover the ensemble's expenses, then externally by the state.

The Italian system only (and partially) supports the organising of concerts, not playing or researching. So organisers may be rich, while musicians may starve.

The conclusion is that, in my country as well as in many others, it is impossible to make a living from composing and other forms of income are necessary, mostly teaching (which can be severely time and energy consuming).

This makes for a hard life, but there is an even harder truth: the fact that 90% of the music which today is either performed, recorded, broadcasted or sold in any form is either commercial or classical. And this is again something that had never happened before. In the past, Bach for instance was urged to supply new music for each Sunday service. Or Mozart found it hard to have enough audience for his private concerts whenever he tried to program music that he had already performed. And so it was for countless composers at all times.

Today there is nothing so discriminated against as contemporary art music, in terms of access, means, visibility, “audibility”. So, to reply to the heading question of this meeting: today's composers certainly are “lone creators”, but totally unwillingly.

The composer and the artist in general, had a role in society as long as he was asked to be the “voice” of his times and, often enough, of the times to come. Today he is mainly felt as unnecessary, if not a burden.

This is especially clear if we take a look at the composer's situation in Italy: from the state no commissions, no grants, no residences, no tax deduction (except for a very small percentage on the royalties), very rare travelling expenses and so on. One shocking example: there used to be four national radio orchestras and choirs, which were more or less the only commissioning institutions, apart from festivals. Now three of them have been closed down (Naples, Milan, Rome!), and the only surviving orchestra (in Turin, with no choir) performs almost exclusively classical music.

To the Radio managers this probably meant a saving, but if we consider things from a wider, “national” point of view the tragic result is that the Italian production of new large-scale musical works, like symphonies or oratorios or cantatas, all of a sudden has been reduced to nearly zero. A tradition has been rudely interrupted, with a comprehensive damage for the community, in terms not only of cultural patrimony and image but also economical, which will be dramatically clear in a few years. Future generations, curious to listen (or play or buy) to any symphonic or choral music, after say Puccini or Respighi, composed in Italy at the end of the second millennium or at the beginning of the next, will discover that the only thing to be found is... silence! So was it a real saving?

Another point much discussed nowadays is the claim that most musical institutions should rely progressively less on state support and transform themselves into “enterprises”: this will certainly make life even more difficult for contemporary music. In general the presence of private sponsors (whose donations are not so far tax deductible in Italy) obviously tends to keep the opera

and concert programming on a more traditional track. New works are often controversial and for a market-oriented management this could be risky, not only in the economical sense.

Could new, “enlightened” laws, by themselves, change the situation? Not automatically. Any law, even the best, undergoes the “interpretation” of those who should carry it out.

One more example from my country: according to a law in force since 1967 each Italian opera house should stage a new commission every year. But this rule then rests entirely on the discretion – or the mercy – of the individual theatre's management, which may decide whether “it is possible” to apply it or not (common excuses: unforeseen expenses, audience unprepared, hard times etc.). The conclusion is that though in the last 34 years the nearly 40 Italian opera houses should have commissioned approximately 1000 new operas, I would be surprised if they surpassed a few dozen, maybe a hundred...

Of course no law could all of a sudden attract mass audiences towards new music (so the audiences' progress is the other crucial point, to be solved via education and familiarisation with anything new or different). Anyway some forms of compensatory or equilibrating legislation might be devised in order to counteract the totally unfair conditions modern music is presently suffering. As my personal experience should have made clear, I believe that any support should rather tend to empower the artist than simply sustain him. Anyway some form of “objective proportionality” should be clearly introduced so that its application is less dependent on subjective interpretation.

Legislation for instance could state that contemporary works should be programmed at least according to a certain proportion (to classical repertory) so that after, say, three or four titles from the past a new opera is commissioned by each theatre. And so on.

Or the opposite way could be chosen, devising some form of inversely proportional support: the more traditional, closed-minded a musical institution is in its programming, mostly relying on music which “sells by itself”, the less state help it should receive. Otherwise conservative and demagogic music managers will always be rewarded at the expense of those few that dare to look ahead and support innovation.

Another crucial point is budgeting. Contemporary music budgets should also be somehow proportional. If not, traditional music will always be produced with greater means. And low budgets for contemporary productions do not simply mean poorer costumes or scenery, but often less expensive (sometimes also: worse) singers and soloists, smaller ensembles, less promotion, less rehearsal time for music which is brand-new and often quite difficult to perform... How can we be surprised that contemporary works rarely are a great success?

Obviously art is a very selective activity, so no form of sponsorship or support will ever guarantee quality. But quality is something which does not come by

itself or immediately: time, means, chances to test and improve are needed. And quality is also improved by competition, but not a competition between things, or dimensions, which could never compete, such as contemporary and commercial music. Otherwise many new sports could be devised for the next Olympic games, as bicycles versus race cars, or gondolas versus ships and so on... To quote William Blake: "One law for the lion and the ox is oppression".

On the other hand I understand that the proportional rules I described might be seen as a form of undesirable "protection" for culture and its market. In any case they would strongly rely on state support and this may evidently be a serious economical problem for many, if not all countries. So some forms of self-support for music should be devised.

One possibility might come from the royalties deriving from the performance and marketing of music belonging to the so-called "Public Domain", that is music whose composers have been dead for more than 70 years. This is something I already had the chance to suggest some years ago (founding convention of the Italian Composers Association, Florence, 1992), proposing that the Public Domain Royalties' income should be used to give commissions, grants, prizes etc. to living composers, on the grounds that classical music, which actually is "the contemporary music of the past", ought to be used to support the contemporary music of the present. So far with no results: in Italy the whole of the Public Domain income still goes to the state, which then decides how to spend it, not necessarily to support music.

Public Domain Royalties would supply a considerable sum (several million dollars per year). But it should be clearly pointed out that presently not all countries charge royalties for the programming or selling of Public Domain music. And since the music of the living composers is on the contrary always charged some royalty, this turns once more into a very serious handicap for contemporary music: concert managers prefer to program Public Domain music since it is not going to lower their incomes, while new music certainly would! For this reason collecting royalties on Public Domain music should be introduced all over the world, to give contemporary music equal opportunities at least from this point of view.

But let me propose today the introduction of a new kind of royalty, which would recognise and partly compensate the effort made by all experimental musicians during their lives and through their work.

Utopian? Maybe. But if we consider any new style or trend in commercial music or in the market in general, if we analyse any new device in hi-fi, any new electronic musical instrument, any new musical software or hardware, any new technique of sound manipulation, any new composing, notating, arranging or playing technique we can easily trace it back to the composer, or the composers, or the movement, or the musical theory, or the research centre or, in one word, the experimental investigation which actually started and developed all those new ideas, most likely twenty to fifty years before.

The evolution of the consumers' taste is slow. What the industry normally seems to do is more or less wait for the right time, then collect some of the new ideas that have been proposed – and tested – by the vanguard musicians over the past few decades, pack and sell them all over the world. It can be easily demonstrated. What cost a life's sacrifice to an innovative musician, one or two generations ago, is now daily paying billion dollars to some rock star or recording company or instrument manufacturer!

For this reason I think musical research and innovation should be seen in a completely different light: it should be considered (and recognised) as necessary by the industry; vanguard composers should be considered indispensable for the very existence of the market in the future.

And today the market owes an enormous debt to the people who pioneered all the improvements it takes daily advantage of. So something like a "Pioneers' Right" should be introduced: a royalty to be collected on any commercial musical product or activity, including the new "languages" and forms of exploitation to be developed in the future. New forms, which I am sure, some lonely, still unknown composer is experimenting with somewhere, right now.

How should this royalty be used? I guess it would probably be better and easier to consider the Pioneers' Right income as a collective one: rather distributing it to the single composer/s, or their descendants, it could serve as a general fund to support contemporary art music in all its forms. The amount drawn could be really "light": even a very small percentage (but on all prices or musical transactions) would anyway give birth to a multi-billion fund, if we just think of the total annual turnover of the music market all over the world!

Behind any improvement there are new ideas, and ideas sometimes take a long time to be accepted. Artists know that. As a good omen let me quote William Blake once more, slightly modifying one of his visionary "Proverbs of Hell": "What is now proved (and sold), was once only imagined".

Creative Artists, Market Developments and State Policy

A presentation of the conference background paper prepared by ERICarts

BY RITVA MITCHELL

Dr., President of ERICarts, Head of Research at the Arts Council of Finland

It is a great pleasure to be here with you in Visby, a working place for so many artists around the Baltic Sea. Artists have all through history always found the most beautiful spots and environments to do what they have to do – to write, to compose, to paint.

As the Minister said in her speech artists have played a particularly important role in this part of the world whose identity has been shaped to a great degree by artists. They have also created perceptions of our landscape, and its beauty and the nature of our people. In this connection I am not, however, going to quote Strindberg or any other of my favourite Swedish writers and artists. But Visby certainly has had her share of artistic creativity.

I do not want to say that the expansion of public support systems for the arts and artists in the 1960s and 1970s in the Nordic countries would have been motivated only in order to enhance identities. Certainly it has also contributed considerably to the development of a rather systematic support system for creative artists during those decades. There were other factors, which also influenced this development; especially the ideas of cultural democracy and democratisation of culture and the strong belief in the social welfare state, which should also be extended to the artists.

Many other countries, especially the Netherlands, Ireland, and Austria, to name just a few, developed similar support systems for individual artists. Although these systems may have been similar, the reasons for their existence varied from one country to another and from one art form to another (small language area or small markets or both). The resulting increase in creative diversity and enhanced working opportunities for artists were however similar.

But this all is now an academic question in the present context of European integration, cuts in public funding of the arts and culture, global market developments and Europe competing for its place in the global market place.

I was in the ERICarts team, which compiled the background paper for this meeting with the kind support of the Riksbankens Jubileumsfond (the Bank of Sweden Tercentenary Foundation). One of our aspirations was to provide a comparative European database of the core policies in support of creative artists. We were asked to acquire comparative information from seventeen European countries. Our idea was that when ordering this information systematically we would be able to identify some similarities and differences - and perhaps also something new and surprising that we did not already know on the basis of our 25 years of work in the field.

So did we succeed? The answer is no and yes – in that order. What we found out was not very new or surprising – but this as such was surprising. When we know that our globe and its cultures have been going through remarkable political and technological transformations since 1989 and seems to be facing at present even more tremendous ones, we must question how come this is scarcely reflected in the public support systems for creative artists – apart from some copyright based changes?

What I say does not mean that the support system would have become more similar or harmonised all through Europe. Not at all. The information presented in the background paper indicates that there are still clear differences between Northern and Southern Europe, Eastern and Western Europe. Direct support systems are much less comprehensive, generous and elaborate in the Southern and Eastern part of our continent than in the Northern and Western part.

Of course we all know that some ten years ago this was not the case for the Eastern parts of our continent. They did have very comprehensive support systems for writers, visual artists and composers, of course under incredible conditions. These support systems did not, however, survive the political and economic changes; they collapsed almost entirely.

The Commission knows particularly well on the basis of its reports and studies that in many European countries the number of artists and cultural workers has doubled during the past two or three decades. In Finland, for example, the number of cultural professionals grew by 65% from 1970 to 1995 and the number of visual artists by 40%. We should not forget the fact that this growth was very much due to the number of female artists entering the artistic professions. A real female revolution took place in the visual arts at the beginning of the 1980s in many European countries, and there are nowadays almost an equal number of male and female writers in most European countries. Only composition remains strongly in the hands of men.

Although we do not have time series data, we know that the amount of government support to creative artists has certainly not risen accordingly during the same time period. Change of that magnitude in the number of artists should certainly be reflected also in the support structures and in the nature of measures, which were basically created during the 1960's and 1970's.

We also know for sure, that only a minority of creative artists can live from their artistic work alone. This situation has certainly not improved during the last two decades, despite all the attempts made by UNESCO and its well known Recommendation on the Status of the Artist from 1980; despite the introduction of a Single European market which is supposed to make it easier for goods and people to move from one country to another – also artists; and despite all the efforts by many national governments.

We all know the well known figures: only some 5% of the British visual artists can live from their artistic work alone; only 5% of the French writers earn their living solely from their artistic work and only three of the 90 Estonian

composers belonging to their Union can earn a living from their creative work. Figures are very similar elsewhere in Europe and I could go on and on and on demonstrating the present day situation in the European creative arts scene.

At the end of his presentation Svante Beckman asked for further analysis of support systems in terms of the amounts allocated, regulatory principles of allocation and effects and effectiveness of support for artistic creation and work.

The data we presented in our background paper could only enter into the debate about the effects and effectiveness of these support systems due to limits of time and space. A comprehensive analysis as suggested by Beckman would require a thorough comparative research project at the European level – which is actually what we desperately need. Only then could we also learn from the successes/failures of our policies.

Our data does record some changes in the regulatory principles and provides a slightly better understanding of artists' work and careers. For example, the conference background paper shows that in the UK and in the Netherlands there are new financing schemes that, instead of prizing only excellence, there are some which also promote artist's careers at the beginning stage or help creative artists to run towards an artistic break-through.

Similarly, there seems to be a trend towards greater delegation of funding from the ministries to the arm's length bodies, public funds and foundations that can allocate the funds more flexibly and for a longer period of time, and to the structures where artists themselves can decide on the funding priorities. This development is taking place particularly in the Eastern and Central European countries, which are creating new arm's length bodies, funds and foundations.

The data presented in the 17 country profiles of the background paper pertains mainly to the direct support of artists – or, to use the terminology of Svante Beckman, "artist-directed support" that covers public policy measures from grants and artists' income guarantees to the so-called tax expenditures, to a whole variety of social security, unemployment and pension schemes. It shows us that the most favoured policy domains as regards creative artists have been and still are creative writing and visual arts – in the form of working grants, travel grants, project grants, exhibition grants, study grants, residency grants etc.

There are actually a great amount of support measures, but their financial significance has, unfortunately, remained rather insignificant – not perhaps to an individual artist receiving a grant – but as a whole.

We also know that composing music, although considered prestigious, gets relatively little direct public funding in the form of grants. Composers have really been left to survive from the benevolence of the record companies, broadcasters, orchestras and operas. We all know how the music business is becoming more and more concentrated and about the stringency measures many public-broadcasting companies, orchestras and operas are going through. (As Smudits found out in 1993, out of 284 Austrian composers studied more than

80% of them worked also as musicians and music teachers and a quarter of them had also additional jobs not related to music. This is a very common situation in Europe).

When speaking about direct support to artists we must also remember its position within the whole range of public cultural policy measures: in most countries – or rather in those countries where they exist – the share of direct support to individual artists of the total public cultural budgets has remained well below 10%. The lion's share goes to the financing of cultural and art institutions: libraries, museums, theatres, and orchestras. These institutions provide, of course, indirect – or actually quite direct – support to performing artists, for example, in terms of wages and salaries. But even the performing arts institutions are turning to short-term contracts instead of offering a more regular salary and consequently the number of freelance artists is growing rapidly all over Europe.

In many countries the share of the financing of these institutions amounts up to 80-90% of the total public cultural financing. These per cent figures pertain to current expenditure. If investments in buildings and facilities are included the share of direct artists' support is even slimmer – only a few per cent.

When we expand our perspective and go beyond direct support to individual artists or groups of artists – and also institutional support to the performing arts and the museums of contemporary arts – we come into the realm of markets – art markets, culture industries, the media and the new technologies. They are the markets for artistic products and cultural services, but there are also labour markets for artists and cultural workers.

An overview of public measures to stimulate markets for artists' work is presented in the first part of the background paper. In his presentation this morning, Svante Beckman also listed a wide range of cultural policy measures that in some sense tamper with arts markets in order to provide indirect support for the arts and artists. These measures range from supply side to demand side, that is, from subsidising and regulating production and distribution to enhancing public and private demand.

On the supply side the most powerful measures are of course education and training of artists, infrastructure (venues, studios, residencies etc.), low interest or risk capital (a measure used in the UK and France in particular) and direct production subsidies (to publishing houses, record companies etc).

Demand side measures include: public purchases (of works of art, of books to public libraries, rights to the use of copyright material, etc.), lowering or rising prices (e.g. through lowered VAT rates for books, fixed price system etc) and boosting up demand (subsidising prices – for example “Bok för alla” in Sweden), promoting arts education, organising campaigns (like “the National Year of Reading” in Great Britain, “Les” reading campaign in Norway etc); marketing and advertising.

Furthermore, some powerful measures such as different taxation measures and copyright legislation can be used to shape both the demand and the supply of artistic goods.

The data provided in our background paper gives rather limited information about the impact of these measures on creative artists in quantitative terms. We can take as an example a regulatory measure, the fixed book price. It seems, on the basis of different studies carried out in recent years, that this measure really helps to maintain a more dense net of bookshops. Yet it is difficult to assess its relative benefits for writers, readers and publishers in financial terms.

Would, for example, the Finnish writers be better off if we still had a fixed price on books in Finland? Have the German and the French writers benefited greatly from the fixed price?

We encounter the same problem in respect to VAT rates and to many copyright measures. Would composers earn more if the VAT rates for phonograms were lowered to the same level as for books in many countries?

More light on the impact of indirect measures is shed by the three expert analyses that are included in our background paper. Sabine Herholz's analysis deals with literature, Stella Coffey's with visual art, and Bernhard Guenther's with music/composing. They give vivid descriptions on the literature, music and visual arts scene, raise up some of the problems of using indirect measures and reveal problems – and even paradoxes – in their use.

Stella Coffey, for instance, indicates how visual artists who are supposed to work entirely in the market environment through galleries and purchases of private persons are in fact rather totally dependent on public support and public demand for their works.

Recent studies from the Netherlands, where they have lively art markets – at least in comparison to many other European countries, indicate that public authorities are still responsible for 43% of the visual art markets through a system of grants, subsidies and purchases of works of art. One may ask what happens when the public authorities are not so interested in the visual arts and the art markets do not really function and the people do not have purchasing power to buy works of art?

I will not go into any greater detail on the question of indirect measures here: we have an opportunity for these discussions in the workshops. However, what is rather obvious to me is that when we move from direct support measures to those of indirect ones, the “order” decreases and “chaos” increases. Indirect measures bring in more controversial results and are much more “political” – within quotations marks – than direct support measures to individual artists.

It is also obvious that indirect measures are seldom treated in the same way within the jurisdiction of the cultural policy decision-makers and making, as are the direct measures. We can take as example unemployment policy measures,

which recently have been directed towards visual artists in many countries. They certainly can be used and are actually used as cultural policy measures too, yet it is difficult to make them function as instruments for really improving the situation of artists as creators of their own artistic work. Employment policies have other goals, as have many other policy domains, like urban regeneration policies, social cohesion policies etc. How do artists fit in?

The basic issue which we should discuss later on is how to keep the system of direct support measures dynamic and how to co-ordinate them effectively with indirect measures – and transversally with the more general economic and social policy goals which could truly help the creative artists through their careers – as artists – which they were trained for.

The concluding note of our background paper is based on an analysis of Herholz, Coffey and Guenther and deals with this problem from a certain perspective. It points out that in the evolving European information society the rate of change is different in different artistic fields and policy regimes.

Not surprisingly the copyright regime and the music field are deemed to be at present in the greatest commotion – or, one could even say in chaos. In the music field, the MP3.com and the Napster have been revolutionising the distribution system of music. The same policy problems, due to new applications of interactive ICT, have also spread to the field of literature (e-publishing, books on demand etc.).

The new technologies are entering into the visual arts and radically changing the working patterns and (increasingly expensive) tools of artists. In publishing, small companies find it increasingly difficult to maintain diversity in production in the face of media ownership and concentration patterns.

This development will certainly test our public support systems. These systems are lost if they cannot serve as a source of creativity and innovation that launches new talents into their artistic careers in the new information society and its complicated labyrinth of new distribution channels and copyright legislation – and helps them also to survive in a rapidly changing marketplace.

I cannot help but end this presentation with an example. Ms. Rowling, the famous author of Harry Potter books earned with one of her books just about the same amount of money as the estimated aggregate turnover of all Finnish authors in the same year (1997). Certainly also the Finnish book publishers – or rather the one which got rights for Ms. Rowling's books – benefited economically from the author's immense success. There is also evidence that Harry Potter books have brought children back from the console and computer games to book reading.

There is certainly a lesson to be learned from this example, but do we know which lesson?

There is another matter, which I would also like to take up before ending my presentation. A recent study of the whole music sector in Austria indicated that only 2.8% of all music related revenues go to the composers, musicians, text authors, ensembles and bands; to the creators and performers themselves.

We can see from our conference background paper that we need much, much more comparative cultural policy research and monitoring in Europe in order to understand the transformations and changes that are taking place in the cultural markets and in the situation of creative artists in Europe. This is why, for example, the Bank of Sweden Tercentenary Foundation has together with two other European Foundations initiated a research project called “Creative Europe” which will be looking deeper into the problems we will be discussing here during these days.

I would like to thank the Swedish Presidency of the EU for having placed such importance on the conditions of creativity and creative artists in Europe.

Dynamics of Copyright in Europe

BY JUKKA LIEDES

Special Government Advisor, Finland

The system of copyright

As a legal institution, the copyright system is a result of complex societal development. During the past few decades, the driving force in its development has been, both internationally and on the national level, technological progress.

Copyright refers to intangible objects. It is, by definition, well suited to the modern information society. In economic terms, innovation-based intellectual values are more important than ever before, as demonstrated by studies on the economic importance of copyright industries. In Finland, for instance, the cumulative value added of the core copyright industries grew from 2.92% to 4.13% of GDP between 1988 and 1997. The growth of the core copyright industries' value added (8.30%) was more than twice as rapid as the growth of GDP (4.05%).

Copyright stimulates creativity and innovation by ensuring a reward for the author's individual and intellectual efforts. At the same time, it guarantees protection of the author's honour and reputation. The legal framework of copyright also promotes the availability of the creative work, safeguards investments in production, and stimulates economic activities in general. All this directly or indirectly benefits the artist.

The system of authors' rights has developed in different directions in the continental European and in the Anglo-Saxon legal systems. The American common law copyright approach is built almost exclusively on economic aspects. The continental system of *droit d'auteur* has more emphasis on the personality of the author, moral rights as well as economic rights, and even the aspect of copyright as a human right. The distinction is philosophical, but unfortunately it has also had many concrete effects, especially on the development of the international copyright system. The freshest example of this is the Diplomatic Conference organised last December under the auspices of the World Intellectual Property Organisation (WIPO). Because of doctrinal differences it was not possible to conclude a treaty on performers' rights regarding the audiovisual use of their performances.

I would, however, not exaggerate the problems caused by the different approaches. Differences in the legal systems are part of our creative diversity. There is no reason to insist that Europe or the United States abandon their systems. Fifteen years ago, a degree of reconciling of the systems was a dream for many of us. The lesson to be learned from the enormous work done to update the international copyright regimes in the past few years is that the pragmatic main goal must be to guarantee the interoperability (and peaceful co-existence) of the legal systems. Securing interoperability is equal to guaranteeing the smooth functioning of the market, including the arts market.

In the value chain from creation to consumption, copyright protects both individual artists and industry conglomerates. It has been said that during the last ten years emphasis has been too much on the position and the rights of producers. This may be partly true, but the basic rules of copyright still refer to authors and their rights. A new element added to the European system of copyright and related rights in the 1990's is the right of film producers.

In the new information society idiom, anything that is not infrastructure is called content. Authors, performers and producers are content service providers. Many groups of artists resent this new watchword. They see themselves as writers, composers, visual artists, actors, musicians etc. and not as impersonal content generators. It is not, however, worthwhile worrying about language. It is merely a reaction to the predominance of the infrastructures and technological development in the economy of the information society, designed to even out the interests of technology and content. Already before the information society hype, Jack Lang summed up the same thinking pattern in his slogan "un franc pour la technologie, un franc pour le contenu!"

For artists, copyright means not only a right to remuneration for their creative efforts or a possibility to work against unlawful use of the fruits of their efforts. It means bargaining power. The author may set his conditions for the authorisation to use his works, and require an adequate remuneration for the transfer of some or all of the rights.

Copyright in the global environment

Copyright, *a priori*, is a territorial right. Through international treaties it has become one of the most international fields of law. The network of treaties (Berne Convention, TRIPS Agreement etc.) was supplemented in 1996 by two new WIPO Treaties: the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). These treaties have often been called the "Internet Treaties" of WIPO.

The networked digital infrastructures have globalised the marketplace for literature, music, images etc. There are no other means for states to deal with global phenomena except treaties.

The system of neighbouring rights, or rights related to copyright, was internationally established in 1961 with the adoption of the so-called Rome Convention for the protection of performers, producers of phonograms and broadcasting organisations.

The Berne Convention was revised every twenty years until the revision conferences in Stockholm and Paris in 1967 and 1971. During the 1970's and 1980's, information and communications technology made continuous and rapid progress. By the end of the 1980's it was broadly recognised that the international norms of copyright needed to be revised again. But it was also acknowledged that a revision of the body of the Berne Convention would be impossible because of the requirement for unanimity.

The international work of the following revision round was based on the idea of introducing new instruments to enhance and modernise the system. A “digital agenda” was established with a view to formulating new solutions in response to the challenges of the networked digital environment. The 1996 treaties included new rules adapted to the digital environment.

The contractual basis of copyright is nowadays broad, and already somewhat complex:

Copyright treaties

- Berne Convention (1886)
- Trips Agreement (1994)
- WIPO Copyright Treaty (1996)

Neighbouring rights treaties

- Rome Convention (1961)
- Phonograms Convention (1971)
- Trips Agreement (1994)
- WIPO Performances and Phonograms Treaty (1996)

There are still some projects left to complete the updating of international copyright that started more than ten years ago. As I said above, no solution could be found at the 1996 Diplomatic Conference of WIPO to create international protection for performers in the audio-visual use of their performances. There was another try last December in Geneva, but despite significant progress, no treaty was concluded because of the profoundly differing views on the transfer of rights between the performers and producers.

Another question still to be tackled on the intergovernmental level is the question of updating the international system of rights of broadcasters, the third group of beneficiaries of rights in the Rome Convention. Similarly, a question still under active monitoring by governments within the WIPO is the need to create an international framework for the protection of non-original databases.

Development of copyright in Europe

The European Union is probably the only regional community, between States, but not a state itself, which has legislation binding on its Member States. The Community's political activities in the field of copyright started in 1988 with the Commission's Green Paper on the challenges to copyright due to technological development.

The Green Paper was followed by a hyperactive phase in the Community. Five directives were issued between 1991 and 1996.

EU copyright directives

- Software Directive, 91/250/EEC Rental and lending right Directive, 92/100/EEC
- Satellite and cable Directive, 93/83/EEC
- Term of protection Directive, 93/98/EEC
- Data base Directive, 96/9/EC

This extraordinarily active phase has continued up to this spring. There are two proposals for new directives in the field of copyright, a proposal on *droit de suite*, the resale right for the benefit of the author of an original work of art, submitted by the Commission in 1996, and a proposal on the harmonisation of certain aspects of copyright and related rights in the information society, so-called Information Society Directive or Copyright Directive, which was given by the Commission in December 1997.

Today, on the very date of this Visby Seminar, a political solution was found in the Coreper concerning the substantive issues in the Information Society Directive. The proposal is now to be formally adopted by the Council. The Member States have to accommodate their legislation to the provisions of the Directive within 18 months of its publication.

The proposal for the Information Society Directive has been the main object of European copyright debate over the past three years.

The political and legal background to the Directive is the 1996 set of WIPO Treaties. After the Directive has been issued, the Community will be in a position to join the Treaties. At the same time, the Directive constitutes a harmonised step for the Member States towards bringing the treaties into force. In addition to the subject matter of the 1996 treaties, the Directive contains provisions on the harmonisation of permissible limitations and exceptions to rights. The new Directive includes some provisions that will be very relevant for the European artists in the future.

Main provisions of the information society directive

- Right of reproduction
- Right of communication to the public
- Right of distribution
- Technological measures
- Rights management information
- Temporary reproduction by the intermediaries
- Exceptions and limitations

In the following, I will briefly discuss some of the most important single provisions of the Information Society Directive and questions connected to them.

Right of reproduction

Right of reproduction is one of the cornerstones of authors' rights. Article 2 of the Directive is based on a broad definition of reproduction. The provisions cover "direct or indirect" or "temporary or permanent" reproduction, "by any means and any form", and "in whole or in part". These provisions on the right of reproduction still evoke echoes of the huge debate on the issue before and at the Diplomatic Conference of 1996. In the view of some delegations, temporary acts of reproduction should not amount to reproduction because of the possible consequences of such a broad notion in the field of telecommunication and for acts of caching. The broad concept of a right of reproduction recognises the fact that many uses of protected works may be based on very short-lived copies. If the broad scope of the right gives rise to excessive problems, these will be tackled with the introduction of carefully crafted limitations to the right.

Right of communication to the public

In keeping with the WCT, the Directive harmonises, as far as authors are concerned, the right of communication to the public, including the making available part of the right. Under Article 3 of the Directive, a separate right of making available to the public is granted to film producers and broadcasting organisations, in addition to performers and phonogram producers, who are the beneficiaries of this right in the WPPT. Together with the right of reproduction, the rights of communication (authors) and of making available to the public (other right holders) will be the basic rights concerning digital bookstores, record shops, video outlets, and direct electronic commerce in general.

Right of distribution

In Article 4 the Directive introduces the community-wide concept of exhaustion of the distribution right for authors. This enables the right holders to control parallel imports from non-Community countries.

Technological measures

At the final stages of the political deliberations on the Directive, when a solution had been achieved on virtually all other questions, the provisions on technological measures became critical. The rules on technological measures in Article 6, when implemented by the Member States, are potentially the most important provisions in the whole Directive.

However, some of the provisions remained ambiguous in the process. Especially the rules on how to regulate the relation between provisions on limitations and exceptions and provisions on technological measures. This is why the Finnish Delegation to the Council, in the course of the deliberations on the Common Position in May 2000, introduced an additional clause in order to safeguard e-commerce on-line. According to this "e-commerce safeguard", the provisions providing certain exceptions to the protection against circumvention, are not applicable "to works or other subject-matter made available to the public on agreed terms in such a way that members of the public may access them from a place and at a time individually chosen by them".

Rights-management information

Article 7 of the Directive introduces legal protection against removal or alteration of electronic rights management information and against distribution etc. of works from which rights management information has been removed or altered. The aim of these clauses is to create a safe legal framework for the digital environment.

Temporary copies

The most debated single provision during the political deliberations on the proposal for the Directive was Article 5.1 on temporary copies. This provision is the only obligatory clause in the whole Directive providing an exception to the rights. The debate on the scope of the right of reproduction and the exception concerning temporary copies led to a polarisation of the interests involved. Right holders and the content industries were advocating a narrow limitation or none at all. The telecommunications, internet and electronics industries were pushing for a broader limitation that would provide security for their operations.

The end-result is probably a balanced compromise covering, under certain conditions, temporary acts of reproduction in the context of transmission in a network between third parties by an intermediary, and in the context of lawful use.

Exceptions and limitations

The provisions on exceptions and limitations on rights in Articles 5.2, 5.3 and 5.4 are the outcome of a frustrating preparatory process. The Commission's original idea was to introduce a relatively short and closed list of limitations. The area of limitations is however bound to the traditions and culture of each Member State. During the process, instead of strictly harmonising some of the most important limitations, the list came to include all kinds of minor and less relevant limitations. Perhaps the most important innovation in this area is the condition of fair compensation attached to the clauses on the reproduction for private use and a couple of other provisions.

The long list of limitations is, in principle, closed. Other limitations are allowed in the national legislation only if they already exist and if they only concern analogue uses. Any limitations in the laws of the Member States must pass the so-called three-step-test found in Article 5.5, which is based on certain specificity and reasonability criteria.

The adoption of the Information Society Directive will lead to a large-scale revision of national copyright legislation in the Member States of the European Union, in the countries belonging to the European Economic Area, and in a large number of associated countries. It would be most welcome if this process were to bring about solutions which are reasonable and well-balanced also from artists' point of view.

At the same time, other global questions are maturing and becoming more topical. An example of these is the question of applicable law. A single digital

transaction may have effects in several countries or even in all the countries in the world. Which law should be applied? Without a reply to this question there is no stable international legal framework.

Management of the rights in the new environment

Technology will probably solve a good part of the problems it has created for the artists. At the same time, however, it is transforming the market in a profound way. The predictable future has never been as short as it is today. The present functions of the digital environment do not tell all that much about future markets.

Development of certain infrastructure elements is needed in the electronic commerce environment before serious professional activity is properly supported. Some of the most fundamental are: availability of technological protection and systems for safe micro- and other payments. The investments made in technology every year are huge, and thus the prospects are promising.

Copyright laws and treaties already provide a reasonable level of protection for artists to control and manage their rights. But the legal means of administering and enforcing the rights are not necessarily easily available – or enough – for a single artist trying to make his or her living in the new environment.

Collective management of rights has been, and still is the solution for mass uses of protected works, especially in cases when the mass use concerns ample repertoires of works created by a large number of authors. Traditionally collective management has been based on blanket licensing and other methods of making large repertoires available in a streamlined manner on equal terms and for equal levels of remuneration.

To some extent it will also be possible for single artists or groups of artists to manage their rights on an individual basis using different kinds of management tools. This may require new professional skills and outlook from artists. It is also possible to establish professional structures for assistance, other than collective management bodies.

In the new environment it will be possible for the collective management organisations to differentiate conditions and fees according to different criteria or instructions from the right holders. The methods of collective management will, and probably should, evolve in the direction of central or centralised management and licensing services.

Collective management societies will probably be adapting their activities to the new business requirements in many other ways as well. Some of this adjustment may lead to strong co-operative structures enabling artists to use several kinds of services for making their creative works available to the public.

All this means that the models of collective management will become more and more diverse, also providing more licensing and other services across borders. The models may vary from mere provision of contact information for licensing,

and collection of remunerations, to the delivery of the licensed work in digital form.

Models of rights management services

- Identification of authors and provision of contact information - individual
- Licensing by authors themselves
- Centralised licensing on individual terms (clearing house function)
- Collective licensing
- Centralised licensing / collective management and delivery

Conclusions on policies and measures

The promotion of artistic activities in society requires positive attention and measures from governments. The welfare of artists is in the general public interest. As far as artists' copyright is concerned, governments have the "hard task" of determining rules of the game in the national law and providing means for enforcing them. But governments may, and also should, address the "softer tasks" of promoting a better understanding of this legal institution.

Promotion of rights

- Provision of improved standards
- Harmonisation of rights in Europe / worldwide
- Provision of means for enforcing rights
- Provision of training on copyright for professionals
- Provision of information to raise awareness amongst
 - policy-makers
 - users
 - general public

It is up to the authors and other right holders themselves to develop rights management structures and services. In this, too, governments can provide support in many ways.

Promotion of rights management

- Encouraging development
- Provision of back-up in legislation
- Provision of training on rights management
- Investment in good practices / know how
- Investment in licensing systems / techniques

As regards artists' survival in this new environment, three things are evident, virtually universal truths:

- There has always been artists,
- Artists are among the most innovative individuals,
- And there will always be artists making their living from artistic activity.

Creative Artistic Activities, not yet Integrated Activities

BY SUZANNE CAPIAU

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Creative artistic activity, a fully-fledged economic activity

The last century has seen a sea change in the relationship between the artist and society. Even though, in the past, the artist was a sort of creature on the sidelines, a marginal, a troubadour, nowadays he has attained the more customary status of an economic agent: an imaginative creator, certainly, but also a producer of potential riches. Creativity, within the domain of the arts in general, as in other economic sectors, has been an essential asset in the functioning of our societies.

And quite recently, the economic importance of creative activity was crystallised by the debate surrounding the inclusion in the Uruguay Round (GATT 1994) of the TRIPS, relating especially to literary and artistic property rights and the audio-visual sector. In Europe, the process of harmonising copyright and neighbouring rights, embarked upon during the 1980's within the European Union also reflects this new reality.

In other words: today, there is no cultural industry without creation.

Artistic creation, a specific R&D activity

One must bow to the evidence. Creative artistic activity lies at the heart of all the cultural industries that have been flourishing so well around the turn of the century. But these activities bear specific hallmarks that are apparently very much misappreciated. In fact, it is a research and development exercise, the nature of which is, moreover, quite individual. But, even though these activities can be compared to research and development activities in the scientific and industrial sector, they can be distinguished nonetheless, because no possibility exists for their industrial exploitation along classic lines. And then, above all, artistic creations cannot just be reduced to economic products. They conceal much more than that; they represent the concretisation of a basic value in European Union: freedom of expression!

A lack of attention paid to artistic creative activity

Facing artistic activity's new place in the economy is the fact that, nonetheless, too little attention has been paid to it up until present¹. The legal rules that apply are identical to those governing other economic activities, in total ignorance of the particular and sometimes insurmountable difficulties with which it is faced.

¹ See especially, J. Smiers and S. Capiou, "Artistes and the infrastructure of their work in Europe", contribution to the UNESCO Report "Culture and development", not yet published; J. Smiers, "Etat des lieux de la création en Europe - Le tissu culturel déchiré, Paris, L'Harmattan, 1998, 222 pp., sp. P. 129 à 141.

Is it not paradoxical, in fact, that with the coming of the era of the communications superhighway in our post-industrial societies, artists encounter living and working conditions more and more comparable to those experienced over past centuries, when they were afflicted by indignity and infamy and formed part of the domestic households of princes, depending almost entirely upon their good favour?

The well-known Recommendation of UNESCO on the Condition of Artists of 1980 constitutes the first international charter for creators, but its non-concrete application is worrying as the worldwide congress that took part in 1997 in Paris showed.

If, for its part, the European Community has, as has already been underlined, undertaken a process of harmonisation on the law of literary and artistic property, it is above all to satisfy the interests of economic operators (cable distributors, radio broadcasters, producers and distributors of audio-visual works, software and data bases) and very few to increase the viability of the artistic creative activity.

The particular difficulties with the artistic creative activities

Artistic creative activities are confronted with the same recurrent difficulties:

a. Factual difficulties

- Necessity of devoting unremunerated periods of work to research and personal perfection,
- Dependence of artists with regard to their personal creativity,
- Creative research centred on a subjective work, and not an objective one as in other professions,
- Objective of the activity not centred on the profit motive, and therefore an absence of its profitability,
- Multiplicity of commissioners or employers,
- Engagements of short and very short duration,
- Intermittent nature of work, inducing periods of enforced unemployment,
- Necessary mobility of activities, in a country, in Europe or in the whole world,
- Uncertainty of success and hazards linked to the effects of fashion,
- Dependence vis-à-vis numerous intermediaries (impresarios, publishers, record and film producers, distributors, gallery-owners, etc.), but also media and journalists,
- Difficulty in meeting competent intermediaries (agents, producers, managers, etc.), and to establish good practice,
- Inevitable dependence vis-à-vis public subsidies and, hence, public authorities and the media power,
- Mediocre remuneration for the work,

- Essential combination of the creative activity with multifarious support activities,
- Irregular and insecure income.

And these particular difficulties lead to specific legal consequences.

b. Legal consequences

- Legal insecurity in their working relationships:
- There are real difficulties in distinguishing the situations where one is within the bounds of an employment contract and those where the parties have entered into a contract for services, given the fact that the link of subordination which forms the basis of the classification of the salaried working relationship cannot, in the area of artistic creation, in any way be guaranteed,
- Uncertainty of the legal classification of their income:
- Creators often combine the status of a salaried es from copyright and neighbouring rights in social security and tax laws,
- The uncomfortable combination of various statuses in questions of social security:
- The combination wage-labour with self-employment gives rise to difficulties for the administration of artists and an extremely onerous financial burden, without compensating benefits from adequate social security protection,
- The complexity of the legal rules relating to their social security protection:
- Rules are most often unsuited to working conditions of artist, or relating to the exploitation of their works or performances (copyright and neighbouring rights),
- Misunderstanding of the legal and regulatory rules:
- These are typically too complex when related to their artist activities,
- Frequent lacunae in their social security protection and over-taxation of their income:
- This is tied up with the irregularity of artist activities,

Etceteras. The list is long. To date, however, too few States have intervened in order to find solutions for these difficulties and loopholes².

² Above all, one can cite France and Germany, which have laid down special rules on questions of social security and taxation for writers and performing artists. Not to forget Canada or Québec, which in 1989 and 1990 adopted a real status for artists (Act on the Professional Status and Conditions of Engagement for Stage, Recording and Cinema Artists; loi sur le statut professionnel et les conditions d'engagement des artistes des arts visuels, des métiers d'art et de la littérature et sur leurs contrats avec les diffuseurs). In Belgium, parliamentary work began in this problem area in November 1994, but failed in 1997.

The creation of a positive and integrated institutional and legal environment

In order to conduct an efficient cultural policy (but do we really want one?), national governments should devote themselves to the development of a positive legal and institutional environment, which would sustain artistic creative activity by the adoption of a set of coherent and integrated legal measures, i.e. rules relating to several legal areas, that would embrace all aspects of this activity: contracts, non-profit association, national social security and adjustment of the European co-ordination rules in that field³, direct and indirect taxation, professional participation of salaried and self-employed creators. Interesting models do already exist in the real world, and especially in France, Germany, The Netherlands, Canada and Quebec in the fields of social security, individual and collective contracts, taxation or non-profit associations.

It would not be a question of strengthening the regulations with regard to creators, but simply of adjusting the current norms so as to better integrate the artistic creative activity, to simplify the rules and thereby facilitate the work of creators. In other words, to ensure at one and the same time a greater freedom to exercise this activity and real protection for individuals who devote themselves to it.

The European Parliament has also advocated pragmatic solutions. It has already pressed the Commission to include in its program

“A status for the artist, which guarantees social recognition for the artists whilst providing for a decent income, also during periods when they work but receive no remuneration, adequate social security protection allowing artists to be insured also during periods when they receive no remuneration, a taxation system adjusted on the basis of the irregularity of the income received and a decent pensions system”⁴.

See also, especially, M.-M. Krust, "Régime fiscal des revenus professionnels des artistes interprètes dans les Etats membres de l'Union européenne, à l'exception de l'Autriche, de la Finlande et de la Suède", Paris, Adami, 1995, and "La protection sociale des artistes interprètes dans les Etats membres de la Communauté européenne", Paris, Adami, 2nd edition, 1992; CERP, "La libre circulation des artistes en Europe - Eléments d'information sur leur statut social et fiscal dans les Etats membres", Brussels, 1993-1994, 135 pp.; S. Capiou, "La qualification et la variabilité des revenus des artistes au regard du droit fiscal et du droit de la sécurité sociale des Etats membres de la CEE", European Commission, Studies in the Cultural Sector, X/Culture/1/90, 1989, 261 pp.

³ See specially the two recent cases of the Court of Justice of European Communities: *Banks and others and Théâtre royal de la Monnaie*, 30 March 2000 which clarifies the applicable law to opera artists performing in several Member States in Europe, and *Commission of the European Communities versus Federal Republic of Germany*, 8 March 2001, which legitimates the German social contribution system for independent artists.

⁴ See Report by D. Pack, quoted above, pp. 7 and 8.

In effect the rules relating to the support of artistic activity, although they emanate, of course, from national policies, find their natural place at a Community level as part of the achievement of an internal market and the free circulation of labour. This idea was debated in the Council in 1993 upon an initiative from the Belgian presidency⁵, but it was not supported by all States⁶. It was therefore rejected⁷.

Hence, one might wonder whether the new article 151 of the Treaty of Amsterdam (ancient article 128 of the Union Treaty)⁸, which finally allocates certain powers in cultural matters to the European Union, will suffice to force an admission of the necessity for special treatment for artistic creative activities in the face of a desire to systematically and blindly apply to it the rules in the same manner as to the other economic sectors. In effect, paragraph 4 of article 151 stipulates that the Community

“shall take cultural aspects into account in its action under the other provisions of this Treaty, (...)”⁹.

But it will be a long way yet...

⁵ Meeting of European Culture Ministers on 5th November 1993.

⁶ Denmark, Germany and the United Kingdom opposed the Belgian initiative.

⁷ See also more recently the “Resolution on the situation and the role of artists in the European Union”, adopted by the European Parliament, March 9th 1999, following the report of Ms Helena Vaz Da Silva, reporter of the commission of culture, youth, education and media, on the situation and the role of artists in the European Union, 1999 (JO, C175, June 21st 1999, 006).

⁸ Article 128 of the Union Treaty signed on 7th February 1992, in Maastricht.

⁹ See, in this regard, for exemple M. Cornu, “Compétences culturelles en Europe et principe de subsidiarité”, Brussel, Bruylant, 231 pp.

EU, Subsidiarity and the Artists

EU, Culture and Artists

BY JEAN-MICHEL COURADES

Principal Administrator, European Commission

Culture: a recent responsibility of the European Union

European integration has historically been concerned with economic and commercial benefits, but now the aim is to take it further, starting with a broader base capable of involving citizens to a greater degree and strengthening the feeling of belonging to the European Union, while respecting the diversity of national and regional traditions and cultures.

This development is reflected in the Treaty on European Union (Maastricht Treaty signed on 7 February 1992), which designates new areas of Community responsibility (education, youth, culture, etc.).

Cultural co-operation has become a recognized aim of community action, with an appropriate legal basis. It is also at the heart of the “ever closer union among the peoples of Europe” that the Member States have resolved to construct.

The scope for Community action can be seen from the aims, areas of intervention, type of action, and procedures for Community intervention and decision-making. The specific aims and fields of intervention listed in Article 151 cover all aspects of culture and open up a broad range of activities to Community action. On the other hand, there are limits to the type of action specified the instruments available and the procedure to be followed.

Article 151 of the Treaty defines three major objectives for community action in the cultural field;

- to contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore;
- to encourage contemporary cultural creation;
- to foster co-operation between the Member States and with third countries and the competent international organisations.

The various areas of intervention at Community level which are included in the first framework programme in support of culture (2000-2004) “Programme Culture 2000” are defined as follows:

- to improve the knowledge and dissemination of the culture and history of the European peoples;
- to conserve and safeguard cultural heritage of European significance;
- to support non-commercial cultural exchanges;
- to encourage artistic and literary creation;

- to highlight cultural co-operation with third countries and the competent international organisations, especially the Council of Europe.

EU cultural funding

Paragraph 4 of Article 151 requires the Community to take cultural aspects into account in its action under other provisions of the Treaty and to promote cultural diversity. Culture must therefore also be taken into consideration when developing Community action in its various forms, and especially when defining activities and policies. More specifically, and by way of example, culture must contribute to European citizenship, to personal and human development (through education), to economic and social cohesion among Member States, to job creation in Europe, to eliminating exclusion, and generally to enriching the quality of life in Europe.

Almost all Community programmes are funding Culture directly or indirectly in one of the following areas:

- Cultural infrastructure, sites and institutions
- Training and education
- Cultural production

a) Cultural infrastructure and institutions

Funding is given in the following areas:

- Cultural heritage investment and management (ERDF; Phare; EDF; MEDA)
- Modern culture development (Investment and modernisation in Arts centres, Libraries, Museums (ERDF)
- Development of civil society (MEDA)

Structural Funds cultural sub objectives are mainly a better access to culture for the public including transfrontier access (Cultural Operational Programmes achieve a balanced regional cultural development; Interreg III) and a valorisation of cultural heritage (historical and archaeological sites, regional museums (ERDF)

Rural areas programmes aims to develop tourism, to restore and renovate historic buildings (Leader +) to renovate villages and preserve rural heritage (SAPARD, Leader +), to promote a sustainable development in rural areas (Life) or to develop cultural amenities and museums (Leader +)

b) Training and education

Funding is given in the following areas:

- Training (Leonardo, Culture 2000, ESF, Phare, Interreg III, Urban)
- Education (Culture 2000, Comenius, Socrates)
- Research (City of Tomorrow)

c) Cultural production

Funding is given in the following areas:

- Culture 2000 (Performances, exhibitions, festivals, literary translation, European events, European cities for culture)
- Information society Technology Programme (2 actions; Heritage for all – digital record of the cultural scene across Europe; Next generation digital collections – new access to cultural heritage)
- Local products linked to heritage tourism or to history and traditions involving the local population (structural funds)
- Transnational products (networking of cultural operators)
- Cultural events (Culture 2000, Interreg III (only the starting of repetitive events, no artistic costs), EDF)

EU cultural acquis

Community action is based on co-operation and respects cultural diversity and the principle of subsidiarity. The principle of subsidiarity can be applied in the cultural field only if the Treaty provisions relating to that field (Article 151) do not fall within the exclusive competence of the Community; It means that cultural national legislation should for instance respect the cultural acquis and the legal principles of the Treaty.

Unilateral protection of national cultural products by a Member State has been considered by the European Court of Justice on several occasions as inconsistent with Article 28 of the Treaty.

A very interesting case of the European Court of Justice involving an artist is the Case 197/85 Steinhauser; a German self-employed artist had no access to a tender for the allocation of premises in Biarritz. The Court decided that there was evidence of discrimination on grounds of nationality, this was considered against the right of establishment, “right to pursue an activity in the broad sense”.

The present cultural legal acquis is the following:

- VAT legislation (Directive. 92/77/EEC: reduced rates of tax to supplies of cult. goods and services)
- Environmental legislation (cultural heritage is included)
- Directive of 10.6.1985 on architects
- Regulation 3911/92 on the export of cultural goods outside the EU
- Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State
- Directive 92/100/EEC on rental right and lending right related to copyright
- Directive 93/98/EEC harmonizing the term of protection of copyright
- Directive on copyright in the Information Society

- Proposal for a Directive on the resale right for the benefit of the author of an original work of art

Programme Culture 2000

Since the beginning of the year 2000, the Culture 2000 programme replaces the previous actions over a period of five years (2000-2004). Equipped with this new programme, the Community aims to implement a new approach to cultural action.

It seeks to encourage the creation of a cultural area common to Europeans and to promote co-operation between cultural operators in order to develop intercultural dialogue, knowledge of history and culture, and the transnational dissemination of culture, cultural diversity, artistic creation, the promotion of heritage and socio-economic and social integration.

In addition to these aims and areas for action, it has been clearly stipulated that the Community must henceforth take cultural aspects into account in the definition and implementation of its policies as a whole.

Three studies on the subject of mobility and free movement of persons and productions in the cultural sector

The Communication adopted by the Commission on 1 July 1998, following up the recommendations of the high-level panel on the free movement of persons, stresses the need to take stock of obstacles to the free movement of persons in the cultural field.

More recently, the Council Resolution of 17 December 1999 on the promotion of the free movement of persons working in the cultural sector (OJ C8, 12.1.2000) invites the Commission to undertake a study in consultation with artists and other professionals in the cultural field, including a general assessment of mobility of persons working, studying or training in the cultural sector, as well as a comprehensive review of legal, administrative and practical obstacles currently impeding the implementation of the principle of free movement in the cultural sector.

Obstacles to free movement in the cultural sector tend to be encountered most frequently by those active in the performing arts and in the plastic and visual arts who work simultaneously in more than one Member State or who wish to pursue their activity or training in another Member State.

Legal studies, to be understood as analysis of the legislation, regulations, procedures and administrative practices in force in the various Member States, are therefore required in order to take stock of and describe the obstacles which may be encountered by the artists and other cultural workers; for example, obstacles of a fiscal nature, social barriers (social security schemes), non-recognition of the right of residence or stay, non-recognition on a mutual basis of qualifications for gaining access to and exercising the profession in question,

discrimination in access to training. The organisation of the labour market is not covered by these studies.

The studies are to be carried out on the basis of questionnaires drawn up by the contractor and submitted to the Commission for approval. The questionnaires are to be geared to the professional and trade union organisations representing the artists operating in the areas concerned, and will constitute the basis for conducting interviews in situations with the professionals involved.

The study is divided into the following three parts:

- A legal study into the obstacles to the free movement of persons working in the plastic and visual arts sector (painters, sculptors, photographers, video directors, performance artists and other visual artists, show supervisors, etc.), with an evaluation of the mobility of persons in this sector;
- A legal study into the obstacles to the free movement of persons working in the performing arts sector (musicians, singers – variety and opera –, dancers, choreographers, actors, theatre directors, composers, etc.), with an evaluation of the mobility of persons in this sector;
- A legal study into the obstacles to freedom in performing and circulating cultural productions.

The purpose of the first two legal studies will be to make an inventory of the discriminatory obstacles to free movement in all the Member States from the point of view of visual and performing artists, covering occupational, social and fiscal aspects, copyright and rights of residence and stay, and covering also the conditions of access to vocational training and ongoing training, and the conditions for recognition of qualifications giving access to professional activity (Directives 89/48/EEC, 92/51/EEC and associated case law).

These two studies will need to focus on the obstacles to free movement of migrant workers or students, i.e. those pursuing their activities simultaneously in more than one Member State or wishing to establish themselves in a Member State after having carried out their activity or having been trained in another Member State; the obstacles to free movement of students wishing to continue their training in another Member State; the obstacles to freedom to provide services on the part of agents representing the aforementioned artists and performers.

Direct and indirect discrimination as defined by the case law of the European Court of Justice will need to be identified.

The purpose of the third legal study will be to compile an inventory of any discriminatory restrictions to the freedom to provide cultural services (organisation of cultural events, subject to payment, in the territory of other Member States) and restrictions or measures having equivalent effect with

regard to the free movement of products linked to such cultural services in all the Member States, e.g. in connection with fiscal arrangements, licences for event promoters, performance rights and copyright, insurance schemes.

Perspectives from the East

BY VYTAUTAS MARTINKUS

Writer, Lithuania

I am a man of letters and I do not like to speak using only facts and figures. Besides, I can be a rather good judge only of the Lithuanian artists' life. I took part in the conference of artists of the three Baltic countries – Latvia, Lithuania and Estonia – in Tallinn last October, where the most urgent relevant problems were discussed, as well as in other similar conferences, which took place in Slovenia, Hungary, and Austria. However, if I want to speak about other particular European countries, I should limit myself to presumptions and presuppositions. So let me use metaphors and images. This might widen and deepen the context of my speech.

First, concerning the emotional attitude. I happened to see an enigmatic and ironic picture in a Polish magazine. In the middle of a highway, among rushing cars one can see Don Quixote, who has fallen down from his horse and is lying at its feet. Sancho is standing by him and pointing at road signs with his finger. There are two of them. One indicative: EU (a settlement), the other is prohibitive: Carts (horses) are prohibited from driving here. There is a label under the second sign, explaining its sphere of validity: For fictitious characters. Evidently. I thought then, the EU is intended for very practical, very genuine European citizens.

I really do not know, what the artist meant, when he was drawing Don Quixote thrown off the saddle on the road to the EU. Maybe Plato with his critical attitude towards artists in his ideal state was irrelevant here. But the Eastern artists can be very well compared to the Knight of the Sad Countenance, when we consider his nature and possibilities. He is always ready to fight windmills, which he sees as the enemies of humanity. And he travels just to find and encounter them. Besides, he has come to believe or has been convinced that Dulcinea is waiting for him exactly in the city square, where a small boy is urinating into a fountain. Finally, it is there that he would like to be initiated into knighthood of Europe. He may have been preparing for it his whole life. Another insight. The question how much the Eastern artist wants. I would think it is very little. Let's say, just recognition, or confidence. To illustrate this I shall use a Lithuanian example.

The Lithuanian painter Antanas Cukermanas, when he was awarded the National Prize last February was trying to explain the assumptions of his creative work and remembered two different opinions, belonging to Paul Cezanne and George Braque. I shall cite them for you. Cezanne: "If I knew I should never get into the Louvre, I would stop painting." And Braque: "Even if I were sure that my paintings would be destroyed, I would still continue painting."

The Lithuanian artist and prizewinner admitted that he would rather adopt the latter attitude. I would think that most of Lithuanian artists – as well as those of

other countries – including painters, writers, composers and others, would approve his choice. But I would not dare to say that Eastern artists ignore the conditions of their life and work, the legal basis of those conditions and so on. That they completely ignore museums, concert halls or libraries – places, where their creative works become accessible to everybody. One can fail to win the National or Nobel Prize, to get into the Louvre or the Stockholm Modern Art Museum, but one must survive to create. While alive and active – writing, painting, composing and performing – one has care for everything that is necessary in life. Creative work is not intended to have direct connections with artists' living conditions. That is often forgotten. The creative freedom in Eastern Europe had been limited politically for a long time, but there had always been creative artists there. By the way, the limitations of freedom had provoked a special underground, or dissident artistic movement.

So, it is not very important whether you are the Swedish writer P.O. Enquist, or the Lithuanian writer J. Aputis; first of all, you are only a writer, and the emotional attitude of artists in the old democratic citadels is similar to that in the new islands of democracy. But in conditions of recent or quite recent democracy the artist is like a baby, prone to many phobic infections, and, consequently, an interesting object of study for psychoanalysts. A psychological-phenomenological dimension is formed, that makes a great difference and becomes much more important than the socio-economic aspects of the status. From here we should take a look at the axiological attitudes. It is evident, that important European values, shared by the EU countries, do not exist separately from particular attitudes towards values, shared by particular countries and particular artists.

Recent political developments in Austria demonstrated that even within the EU those attitudes are rather dramatic and the artists are not determined to support the shared European values. It seems that the question: “where is Europe?” remains without a clear answer.

The senior artistic generation in the Eastern Europe is not very homogeneous and controversial. First of all, it is differentiated according to the former artistic status of its representatives: some of them were collaborating with the Communist functionaries, others tried to avoid this. Such their choice largely determined their official position, material conditions. The second thing is that this generation, because of its phenomenological experience, mentioned above, cannot sincerely enter the free space of artistic contacts: it is an esoteric generation, according to the criteria of national identity. And it is the first to ring on the alarm bell, reminding the society, that the art of the big nations (literature, music, etc.) keeps invading unscrupulously and occupying ever new spaces in the national culture. Younger artists are not allergic to such challenges. They find the opportunity of international contacts, of the cosmopolitan art market much more important. They are ready to leave their homeland and go to work there, where they can find more favourable conditions.

The Lithuanian mass media abounds with praises for our basketball players that went to the wide world to teach other nations, how to play the game. (By the

way, they are teaching not free of charge.) The same mass media abounds in reproaches for Lithuanian artists: they are slow-witted and even sluggish in the business of art management. They are like Soviet beggars, looking for the state maintenance or shamefully stretching their hands towards the rich “new Lithuanians”, the ironic critics say. Come out from your hothouses, gentlemen, liberals, the party in power from the last autumn, join the journalists. Really, the Lithuanian state is still not rich, and there are few rich people in our country who could, like George Soros, share their money with unknown Cezannes, Braques or Joyces. If one complains of living and working conditions, then why does one not complain of one’s gift and one’s ability to work?

Patrons in the East are not only hiding from artists, they are also afraid to admit that they are rich enough to support art. They are strongly inclined to doubt the presence of gift and the very necessity of the art, as well as the evidence of the artists’ status. One can see from a distance an inscription on the wall of the Modern Art Centre in Vilnius: “Every man is an artist, but only artists know that.” The dispute about who is an artist is obscured in Eastern European countries by political and ideological formulas, which were valid during the period of communist regime. There is still a tendency to think, that the status of the artist can be defined by his education, production (its quantity or prestige). This is associated with another problem: how many artists can really earn their living, how many of them are needed in a particular national state? Speakers from Luxembourg in the Tallinn conference presented not only a special law, treating artists, but also told us the exact number of artists who are living and creating in Luxembourg. Unfortunately, such a precision is in paradoxical contradiction with contemporary definitions of art and the artist. Who would be able to say, how many artists there are in New York or Paris?

However, we are using the usual statistics to count artists in our countries too. This method of producing figures is maybe no less strange than in the Luxembourg case. Well, we say, that there are about ten thousand professional artists in Lithuania. But the word professional is no more than a synonym of their qualification and skill. Actually, only few of them can earn their living by producing works of art.

A sociological investigation last year showed that only nine percents of artists can make their living by their creative production. So it is reasonable to think that only every tenth or eleventh artist can be more or less satisfied with his economical and financial situation. The prestige of the artistic activity has become rather low lately.

I know that the situation is similar in Latvia too (analogical research was made there four years ago), as well as perhaps in all post-Communist countries of Eastern Europe. Except perhaps Hungary or Slovenia, where it is slightly better. Does it really make us sad? Was it really so, that under the totalitarian regime, when we did not lose our gift, we did not have anything to lose?

What are our hopes when we have a look at the artists in the EU countries? Do we have any special claims or, at least, wishes?

Let us try to answer these questions. Not all of them, of course, and not very aptly, naturally. But, anyway, every speech concerning the world of art is no more than an accurate missing. There is a need, I think to speak again about what I mentioned earlier: to remember, what we have already got, or what we have. To utter the essential definition of human existence: what kind of human beings we are already. We are free. A today's paradox: the opposition or harmony between freedom and art, everyone would rather believe than discuss it.

Ten years ago I would have enjoyed the value of freedom itself (by the way, I did enjoy it here, in Visby, during the inauguration of the Baltic writers' and translators' centre). Today this joy seems to be diminished. That is natural: not every post-Communist East European country succeeded equally in learning to be free. An especially hard task is to follow the example of Scandinavian countries, that is, to avoid any extreme steps, to know how to make sound and guaranteed social basis for freedom. To follow, let's say, the example of Sweden, where the intervention of the state into cultural affairs does not seem associated with violence, to be resisted by a free person.

There is still a syndrome in Eastern countries, the characteristic feature of which is a certain state power phobia. This power is an object of distrust. Its influence in the sphere of culture and art seems to be dangerous, and, consequently, undesirable. Lithuania meets with many difficulties. But I should make no secret of the fact that freedom in Lithuania is also post-modern in its manifestations: most often it is superfluous, used as an object of play, it is not only constructive, but also destructive, it is always postponed till tomorrow, put off till indefinite future, delayed in some way to let it run high again.

Here is an example. A decade ago we imagined that a little more freedom would allow us to write truthful books, impartial history. Ten years passed, and today we still find it difficult. For example, to write and publish a history of Lithuanian art and its separate branches. To tell the truth, we have already been publishing encyclopaedic reference books on music, literature, art... We are already able to describe the past laconically in a reference book. But even then we can fall into deep pits when we need to write something about these days, about ourselves. In our evaluations we still remain, to use the Czeslaw Milosz's phrase, hostages of the enslaved mind. Hostages of free knowledge. When there is a possibility to know whatever we need or want, we do not learn already the crucial things. Here is a funny story, told by the publishers of our recent literary encyclopaedia. A professor comes in hurry after the last proofreading and declares joyfully, that he managed to correct a mistake in time: it turned out, that the author, described by him in the book, is still alive... And he thought him to be dead. In the space of illusions and virtual events the information concerning the Eastern artist is very superficial and mosaic. This is a serious obstacle in the way we are discussing.

A person, driving along the highway, may think that the Knight of the Sad Countenance will never get up again. That it is really dangerous or even forbidden for him to ride there, where others are hurrying only by cars. Indeed,

it is not the whole truth. In Lithuania, it is not only that one who can earn his living by his creative work who survives, but also those nine or ten, who survive only by finding other ways of earning their living. We feel consoled by rumours that not every artist in Germany or Great Britain is a millionaire. The percentage of artists seriously devoted to modern art, and the percentage of art admirers, who are seriously interested in modern elite art, are miraculously stable and ... small in all countries. Eastern or Western ones. Indeed, why an artist of the country that is on the road to the EU should find it easier to write a play, to design scenery or to compose music for it? There is no reason for it.

We have several good examples of the elite art. I do not doubt it, since I am acquainted with artistic events in the neighbouring countries, like Poland, Latvia or Estonia. We have at last something to be proud of. Our stage directors, like Eimuntas Nekrošius, Rimas Tuminas, Oskaras Koršunovas, have been surprising Europe with their performances and staging ideas. Is there any need to introduce such photo artists of ours as Algimantas Macijauskas, Romualdas Rakauskas, Antanas Sutkus and others? The National Philharmonic Society successfully introduces Lithuanian orchestras and conductors to the most exacting audiences of New York or London. Our composers succeed in combining the tradition and the new trends; their position is perhaps the most favourite among other authors, like writers or painters, in the process of “art without borders”: the Authors’ Rights Agency (LATGAA) pays them the highest royalties, coming from all the world. Expressive works of painters and sculptors are accompanied by metaphysical comments, made by authors themselves. For example, Šarunas Sauka: “... I hope I shall paint a very attractive figure – a man with wings – an angel, until I have my own idea of him, let’s say, like Rilke had.” Petras Repšys: “beauty must be somehow poisonous, otherwise it is false.” The elite texts of writers, like Juozas Erlickas, Sigitas Geda, are very difficult to translate into other languages, and that is the reason why our literature travels so slowly through the world. But it does travel. (Though it cannot be compared to the popularity of the books by the Estonian writers Jaan Kaplinski or Jaan Kros among foreign publishers and readers.)

But the elite art in Lithuania (as in all other countries) is drowning and drowned in mass art. In applied art. In pop art. The industry of contemporary art is a great success. The professional skill of an artist here becomes his trade. (I remember the idea, expressed by the sculptor Stanislovas Kuzma, concerning stages in contemporary art: the trade – the art of trade – the trade of art – the art). Undoubtedly, even here the elite art can disguise itself using the mask of trade. Here the creative concern of artists is immersed in the depth and width of business or art management. I would consider this depth and width to be very similar in the East and in the West. The only distinction lies in scale, technology and winnings. National art markets are also different. Frequently they are very small, or too small for the normal life of all branches of national art. For example, how can we speak about the national cinema, when only one or two films are produced yearly?

For these and similar reasons the policy of national culture is very important for the countries of Eastern Europe. It is the problem of the state interference/non-

interference in the situation of culture and art and of the appropriate plan or project. As I have mentioned, this sphere is full of psychological complexes, connected with the former practice of the totalitarian state and the illusion of liberal economics as the magic stick. The European Council organised several useful seminars where the policy of national culture was discussed. Every state that is a candidate to the EU has developed its own vision of cultural policy and presented it publicly. Unfortunately, as I see it, the inertia of inner cultural development of particular countries is stronger than the political attitudes, formed on the logical basis and following expert advisers. Even facing the necessity to harmonise all the European laws, local politicians do not change old laws or issue new ones ignoring the artistic profession and status. Discussing tax privileges for sponsors the question of surplus value tax for artistic works and other problems of state policy, one can reveal this viewpoint: art has no autonomy, no specific function, no value. The EU and EC recommendations concerning the policy of culture are often neglected on the national level.

I would like to say more about this important, but also not less subtle question. Several (maybe even ten) years ago Lithuanian artists were pleasantly shocked, and for a long time. (I think, the same reaction was in many other neighbouring post-Communist countries.) The European organisation of artists, their confederations showed us the Recommendation concerning the artist's status, compiled at the UNESCO general assembly in Belgrade, in 1980. The recommendation enumerated various aspects of the artist's situation. For the artists of post-Communist countries they reminded the matters of social guarantees, familiar to them from the times of the totalitarian state. The Stalinist system of privileges, designed for engagement and supervision of artists, was still not forgotten. Artists, who were kindly disposed towards the regime, could expect good royalties. On the other hand, those royalties could be used to acquire exceptional goods and services. Social insurance (medical treatment, pensions) was also guaranteed (a certain duration of the artist's creative activity was recognised as a basis for this insurance).

New times private property and the liberal political order brought confusion into the sphere of the artist's social insurance. The state refused to take care of the artist's social insurance. He was told to take care of it himself. Unfortunately, it became practically impossible for the artist to do this. Low royalties make the artist to think about his survival today. According to the tax regulations, valid in Lithuania, the income tax for royalties is only thirteen percent, but this tax does not provide any social insurance guarantees. The artist in a case of illness must pay for the whole treatment and his pension would be just a symbolic one. Only a few artists have decided to save money in private insurance foundations, which are so far very ineffective.

In general one can state, that the recommendation of UNESCO (as well as the recently issued EP and EC recommendations) contain important, if not central wishes concerning the policy of art. But they should be carried out by national states themselves. Still, they are unable, or unwilling to do that. A conference concerning the realisation of this recommendation took place in Lithuania last year. All promises of politicians and government officials to make some

significant steps in this direction remained simple promises. The Law of Artists and their organisations, passed in 1996, – one of the few in Eastern countries – is too abstract to change artists' situation in any essential way. As far as I know, the situation, connected with these recommendations, is not better in other eastern countries. The status of the artist did not become an integral part of the legal system of a particular country. It would be good, if the Ministries of Culture of all countries, including the EU members and the candidates to the EU members, together with their ministries of foreign affairs made the concern for realisation of the recommendations their common international policy.

So here are several hopes, connected with our road to the EU: to pay more attention to the professional art; to modernise the national policy of culture of our country; to extend the national art market; to strengthen the support for arts from international, private and national programs and funds; to take an active part in international projects of the dissemination of art and so to strengthen the national identity; to improve the protection of intellectual property (to limit the piratical activity, to increase the royalties of authors and performers; to realise the recommendations of UNESCO, EP and EC concerning the status of the artist.

These hopes, to tell the truth, are obscured by previous experience and knowledge, that even in the EU countries there are many problems I mentioned here. It would be naive to think that when the Eastern countries will become the EU members, their artists will have no more problems, which they are trying to solve today already. And the ironic pictures will still be drawn. Except that the figure, lying on the speedway, will be not that of the Knight of the Sad Countenance, but that of a very real European citizen Sancho Panza, and by the road signs there will be a new label with an instruction, what is allowed, and what is forbidden on the road to the EU.

Somebody can take the middle of the road, and someone should be content to take the roadside. But I doubt very much, if this is a race, in which there can be a single winner...

Society Needs Its Artists, Artists Need Society

BY HELENA VAZ DA SILVA

President of Centro Nacional de Cultura, Portugal

Preliminary remarks

I would like to greet Sweden and Minister Marita Ulvskog for the decision to include officially the role of Artists in the Presidency's priorities. It is an act of courage and of far sight. Sweden, Ireland and the UK have tried to bring cultural issues to the top of their presidency priorities. I have worked with the Ministers in Ireland and the UK trying, amongst other things to bring the Member States to put a sentence on culture in the preamble of the Treaty. No luck, but some documents came out of both Culture Councils, which made a difference.

About the choice of the theme Conditions of Artists :

It is in the interest of society to have a lively artistic community.

It is in the interest of Europe to have artists speak in its name, especially if you think that today's art is tomorrow's heritage.

About the use of English as sole language of the Conference : It is a future oriented decision, I fully support a single communication language but it must be accompanied by a decision of Member States to teach it at school to every single child in every european country .

Starting points

I'll start with comments on the two speakers:

Vytautas Martinkus

Candidate countries suffer from transition from a centralised state supported system to an open and de-regulated market. They look at the EU for replies.

There is a flow of young artists. I will make two points:

- The answer for them cannot be to go and look for some kind of support elsewhere, but to change their attitude. The State must be regulatory but not protective. Artists must play the game of the market without becoming monsters – half artists, half businessmen.
- East and West will have to learn from one another. It is not as if Western Europe had solved the problems that candidate countries now have. Far from that. Even those countries (Netherlands) that have policies for protecting artists feel the need to change them, corresponding to new times.

Jean-Michel Courades

Insists on absolute rule of subsidiarity in Culture.

This can be an excuse for a weak EU cultural policy through an accepted self-limitation.

EU should switch from being defensive towards being pro-active, without breaking principle of subsidiarity. Subsidiarity should not hinder but stimulate, as we all know.

Look at Education. It had the same subsidiarity protection. Since Lisbon Council, things have really changed. Educational policy became pro-active because it has been recognised as a priority of the EU .

Now we have some other starting points for our debate to base a pro-active attitude.

One is the European Parliament Report on the role of Artists.
What were the main points of the report?

- To Member States – It asked for legislation. Artistic education for all at school, from primary level. Artists as such at school. Artists organisations participating in defining policy (this depends also on artists organising themselves).
- To Commission – It asked for comparative studies and statistics, harmonised legislation, mobility.

There is no mention in the Report of direct supports (like permanent grants) because I don't believe in them.

But we cannot ignore the changes that occurred in society since this EP Report was issued (1999).

Within the EU Institutions: Council is slowly but surely taking the lead. European decisions are being re-nationalised. Citizens have lower expectations regarding EU. Cultural actors take more frustration than satisfaction out of "Culture 2000" in its present form. Many choose to ignore it, even those who are europhiles (they are many).

The Institutional cultural switch is not happening. Amsterdam was poor; Nice was a frustration.

Television Chains – in general become more and more audience oriented – reality shows invade even the news, quality goes down and down. On the other hand TV is becoming more and more the main source of education (or non-education) and information for many children and adults.

There are however two institutional recent reasons for hope:

- President Prodi's announced methodology of broad participation in 3 phases for reform for next IGC.
- Commissioner Reding's stressing of Education as a high priority.

Artists should take both these boats.

There seems to be a contradiction between an existing new consciousness of the role of arts for social cohesion, local development, peace etc on the part of people and also present in EU texts, on one hand, and the ungenerous way Member States treat the subject when they take decisions on budgets on the other hand. This is an essential contradiction that will have to be solved. Artists should confront EU institutions with the difference between what they say and what they do.

So, let me state three points which should be at the basis of our debate:

- The role of artists is crucial for society. Art must belong to the core of policy making, it being an essential element for a harmonious development.
- The role of the State is basic in the support of the Arts. Culture cannot depend solely on the market.
But
- Artists are not like other professional groups.

Citizens should know it. Member States should know it. Artists themselves should not forget it. They have a role to play. They are forerunners, they announce, they experiment, they take risks. Artists are a living contradiction: they live on the margins but must be connected to the centre, they must be independent but not lonely. They are, in a way prophets of what is coming but also critics of what is there – the critic conscience of society.

Society needs its artists and should nurture them but not like babies or puppies.

What should be the role of the State?

To facilitate, not to protect.

I therefore suggest that State's attention should focus on:

- Protecting Intellectual property (which should be main source of income and is not).
- Creating new publics (by generalising artistic education for all).
- Providing infrastructures (Theatres, studios, libraries).
- Adapt social and fiscal legislation to artist's specific situation.
- Buy works of art – public art on the street – public art collections

The three first mentioned being in my view the main ones. – Author's rights, enlarge the public, provide spaces.

What should we expect from the European Union?

- Harmonise legislation
 - Education
 - Fiscal, social
 - Author's rights – most difficult because of contradictory interests of three sectors (public, authors, producers) as well as different national interests.
- Produce comparative Statistics, Studies and Information (existing studies on national policies are out of date). We need a study on Ways of Financing the Arts.
- Stress Culture in Structural Funds and include heritage there. Or, even better, change Structural Funds so that the money invested in culture through them may be more coherently spent.
- Culture 2000: Raise the budget for Culture 2000 and convert it into a very simple programme, which it isn't now.
- Give direct support only to areas where European contribution to Culture can be an added value, and I feel tempted to say that Mobility/Exchange is the issue.

Mobility/Exchange covers:

- Circulation of individuals
- Circulation of works
- Diffusion abroad
- Translations
- Big European events: Cultural City, Festivals, Prizes.

My ideal Culture 2000 programme would cover:

- Mobility
- European Events
- Details about what subjects, what and how many partners and how many countries, what methodology would be left to the cultural actors.
- The Jury would be asked to judge exclusively on the quality of the projects.
- There would be surely more transparency and better results.

(Notes for Comment on panel about Artists and European Union)

Parallel Workshops

Literature, Visual Arts and Composition

(Text below excerpted from the programme)

Three concurrent workshops are organised by artistic discipline. Each of them will follow a specific programme and answer a common set of questions.

9.00-10.45 Workshop participants will hear from a panel of representatives from different countries in Europe who will provide the group with examples of practice and policies. These examples are either programme models, innovative policies or particularly interesting market developments and trends as well as threats.

11.00-13.00 Workshop participants will have an opportunity to pose questions to the panellists.

15.00-17.00 Workshop participants will be asked to discuss three thematic questions including:

1) Threats or opportunities? Artists' experience with the new technologies.

What are the threats posed and opportunities provided by the new technologies for artists in the creation, production or distribution of their works (e.g. concentration of distribution rights by large institutions such as publishing houses or the opportunity to self-publish work to empower artists, how do we define fair use and fair compensation)? How do the new technologies change the relationship between the artists and their audience (e.g. bringing them closer together or moving them farther apart)?

2) The artist, an odd fellow?

What are the particular challenges faced by artists as self-employed/freelance/independent? What are the consequences that legal frameworks pose for the individual self-employed artist?

3) What markets can do - and what they can't.

Comment on: markets, market failures and responsibilities of governments in supporting artistic research and development, which help to sustain an environment for creativity and innovation. (By markets, the point of interaction between public, private and civil society actors is meant - not just commercial markets.)

The results of the discussion will be presented to the plenary session the following day.

Workshop Literature

The Present Situation for Writers in Austria

(not the proposed: “New Initiatives for Authors’ Training”)

BY LUCAS CEJPEK

Writer, Austria

I will talk about my experiences as a freelance writer living and working in Austria. I’ve been working as a freelance journalist for seven years – mainly for the cultural program of the national radio – and as a freelance author mainly of avant-garde prose for the last 11 years.

When I’m talking about literature I’m talking about literature as art and not as part of entertainment or tourist industry. Contrary to the Austrian government program I think that innovative literature rather than traditional and folklore literature should be supported. Understanding complex literature is understanding the whole of literature.

As far as the title of my statement is concerned, there is no official way of becoming a writer in Austria. There is no academy of the art of writing; there are not even courses in creative writing offered at the university. But the problem for a professional writer is not the lack of training; the problem is the lack of work, even though literary life is financed mainly by the state, which is the case in Austria.

Austria is a federal state by constitution and a centralist state in reality, at least concerning policies of literature. That’s why most authors live in Vienna, which is the capital and one of the nine federal states, and with about 1,5 million people. Vienna is the only big city in Austria. Linz and Graz, where I grew up, have a population of about 250.000 each, and Graz offers no opportunities for a writer at all, even though it was called “the secret capital of literature” in the Seventies.

Since the Eighties publishers of literature have been supported financially by the state. So for the first time in Austrian history imperial Austria’s censorship prevented both the production of papers and books. There are publishing houses of some quality now. Since the German market for literature has been destroyed in order to make easy money with literary fast food, most Austrian authors are published in Austria.

But there are no readers of literature in Austria. The average Austrian reader buys one book a year, and most likely a cookbook. Austrian booksellers on the whole are (like most authors) for the fixed book price, but only very few of them offer literature and special information on literature.

Reading promotion programs in Austrian schools are a matter of chance, depending on teachers’ personal interests only. Austrian theatres get most of the cultural budget without any obligations to stage living authors and to engage them. As far as plays are based on language, the playwright is essential for

modern theatre. Meanwhile (and I know what I am talking about because I'm also working as a director of plays of living authors only), meanwhile most theatre producers are not even able to read contemporary dramatic literature.

Austrian universities do not invite authors to hold courses and give lectures, except of poetic readings, but without extra payment. With the exception of the national radio where I'm staging radio plays, and with the exception except of the radio play there is no demand for authors as creators in the media. Authors are talked about at the best. Or authors can work as journalists, reviewing books for pocket money.

Austrian national TV has no interest in people dealing with words whatsoever with the exception of a theatrical event once in a while and timid political cabaret, because national TV in Austria is authorised for government propaganda, sports, shows and serials. Austrian papers are subsidised for political reasons only. Authors are only asked for commentaries of the political situation. Their work is only discussed if it was discussed in German papers before.

There are of course some renowned literary magazines, where authors can publish for no fee at all. Austrian writers still profit from the system of subsidies because their books are published, which is essential of course, and because there are literary societies which organise public readings and discussions, which is essential for literary life and for the income of authors. Public readings and discussions are the only work authors are paid for, usually shortly after the performance. This part of the market however is being destroyed by the Austrian government, since the expenses for cultural life are cut for ideological reasons – more family life, less public life. Since no Austrian government so far has had an interest in a national policy of the

Arts there are three different offices dealing with the arts: the State Secretary of the Art Affairs Department of the Federal Chancellery, (the name is the program) and the Secretaries of State for Education and Foreign Affairs. The Foreign Office is no longer interested in the arts at all, I learned recently, the arts will soon be part of diplomats' routine.

So most writers depend more than ever on national grants, despite the program of the State Secretary of Art Affairs to make them into entrepreneurs. Most writers have to submit every year at the end of January parts of the manuscript they are working on and a short résumé to an anonymous jury. By the end of June they know, whether they won or not.

There are 38 national grants for prose and lyrics and 10 national grants for drama. And there are national awards of course, which above all have to do with the current prestige of the author. The state profits as least as much from the author's prestige as the author does from the petty amount of money.

Awards should be related to the income of the politicians presenting them.

Grants should enable the author to do his and her work and nothing else for a while.

All grants and awards are tax-free at least. And this year writers for the first time can spread their income over a period of three years.

Since January 1st writers are part of the general social security system. The insurance company, which is compulsory for all so-called “new entrepreneurs”, is not prepared to give specific information to her clients.

So the latest news for Austrian writers is not encouraging at all.

The Consequences of Writing in a “Language Not Widely Used” *)

(Not the proposed: “Consequences of Writing in a Small Language”)

BY DIMITRIS NOLLAS

Writer, Greece

One of the consequences of writing in a so-called “language not widely used” is that you are forced to speak about it in English.

You realise, therefore, that the problems of writing in a language not widely used do not lie in the writing of it in itself, but in the acceptance of a lingua-franca: In other words the consequences of surrendering the “small” language without a fight to the linguistic imperialism, is worse than the consequences of writing in it.

It is challenging enough, something such as this, (challenging in the meaning of a wager, not of a provocation), to speak in English of what the consequences are in writing in a language not widely used.

You must understand that we, as Greeks, have the ability not to shut our eyes to such challenges of our current times. We have the tendency to confront them, because we feel the need and the desire to communicate.

Although, as you very well know, language is not only a tool of communication. First of all it is a vehicle of culture. Its code, apart from what it illustrates, is something more. And that something more can only be expressed, always and exclusively, in the native language of the author, the language that he heard in the fairytales of his country and in the lullabies of his mother.

*) I am using the term “not widely used”, because I am not sure “small language” is the appropriate one. Small (like smoke) could seriously damage your health.

It is true that to inhabit a so-called “small” language, often becomes suffocating. And the need of the creator to come out of the restrictive boundary of his own language/tongue tempts him, on occasions, not only to speak in another tongue, but also to speak in the manner of that other language. A language, which negotiates with another civilisation, with another way of life.

On the other hand, the text, the author’s creation is always in search of the reader, and it looks for him everywhere. Everywhere where life continues to search for its spiritual essence. And this unknown reader does not necessarily speak the same native language as the author, and that’s where the need of a translation appears, whatever the consequence of the endeavours of the translation may be.

And there, in the translation, is what I said beforehand, that the deeper meaning – that something more – remains locked like a secret code, the password of which is known only by those who share the same culture, the same spiritual angst.

For the role of translation, which I believe a lot of serious thought has to be given within the framework of the European Union, in order for everybody to have access to the European literature of languages of small use, it is wise to remember the words of the poet Seferis, who referred to the same subject during his Nobel Prize speech in the early 60's: "Translation into another language never repeats the original, but starting from this, an equal poem to the original is created. Such are the difficulties of poetical exchanges. These exchanges are necessary for the benefit of communication and solidarity between people whatever their language may be".

Personally I don't believe there is a problem with the languages however "small" they may be. And I have no problem because I believe if there is one, then it is one of quantity and not of quality.

It is obvious that a "small" language has a restricted readership in comparison to a "big" language. So what? What is the desideratum here? If what the writer is chasing is the hand of the other person ("take my word, give me your hand", as the surrealist poet Andreas Empeirikos said). If in other words the writer writes in order to save him from what is shocking him and not to augment his bank account, then what is the meaning of the haste towards figures and the number of sales? For the sake of the wider communication?

Some languages, some "small" languages, remaining peripheral, are living resistance to homogenisation, to a levelling, and, as an example, I would refer you to the languages of the Caucasus area which for many centuries, many centuries up to today, survive and which are spoken by only a few hundred people.

The material world has an expiry date! A language that withstands time, and continues to name things (which means to create poetry), gives life to the world and is not afraid of the consequences, however "small" the language may be. I am not referring to the Greek language, (besides how could I, articulating such English that you hear), I am talking about the small and multi-coloured flowers which bloom on the side of the Big and austere Mountain. It is these that make the mountain so light and ethereal, elevating it to the sky because of that bewilderment of colours. The fissures in art are redeeming exactly like the colours of violet and the scent of nardo. They allow us humans to escape from our daily pressure of survival.

I have the fortune to speak and write a language, to be the inhibitor of a language, for which the basic riches of life, το έλαιον (oil), ο άρτος (bread), and ο οίνος (wine), continue to be the same words, with the same sound, today as they were thousands of years ago. Let me not refer you to words, which connote

feelings that transgress our basic needs, words such as ο ουρανός (sky) and η θάλασσα (sea). This fact gives me a reassurance when I speak about the languages not widely used.

As I get reassured, too, by the fact that the writing of the New Testament, the Gospels, were written directly in the Greek language during the first century AD., at a time when Latin was the language of Global Rome. That is to say, in a language where spiritual questions continued to be alive. Let this be our consolation, not because they were written in my language, but in a language that was undefeated by the Superpower of that time.

The Sufferings of Market Economy

BY ESAD BABACIC

Writer, Slovenia

Before I dwell on the topic of the discussion, let me tell you an anecdote about my father, who will probably never learn the meaning of the term »market economy«. Having published the second collection of my poems, which was by the way only slightly thicker than the first one, I showed the book to him. Mustafa, my father, took it into his hands, measured the booklet by holding it between his thumb and forefinger and said: »My son, this book of yours is pretty thin. When are you going to publish something thicker?« What he had on his mind was money, a thicker bundle that could be got from publishing a thicker book.

Somewhere in the eighties when we still lived behind the »iron curtain« I met Jonas Žnidaršič, an actor, who asked me what I did for a living. When I told him that I wrote a poem from time to time he immediately started with a lesson about how poetry could also bring money. He told me about writing convenient poems for weddings, funerals, birthdays and the like... for money, of course. Being quite bizarre at the time such an attitude turned out to be literally prophetic. By the way, Jonas is currently a host of a widely popular quiz »It's Nice to be a Millionaire« and I am still thinking how to become a millionaire without smearing my soul with a madness that was brought to Slovenia with the first wave of market economy. It's a fact that no one can avoid market economy no matter how great their poetry is.

There is a certain stereotype of a poet that still exists in Slovenia. It is generally thought, that a poet should suffer or be in great psychological pain to write a good piece of poetry. And what does it have to do with an actual work of Slovenian poet in market economy?

A lot, especially if a poet like me for example, do not suffer as it is required. Good example of poets suffering the market are the poets of the first post war generations. Because they were supposedly suppressed in the previous regime they now shamelessly make profit from the injustice which was allegedly done to them, although Socialism provided for them quite nicely.

Poets of my generation are in a slightly different situation. We haven't brought from an ancien regime property of any form except for pleasant memories of a common Yugoslav cultural space, which vanished over night along with President Tito and Socialism. To the market such memories, or shall I say memoirs without a touch of suffering are nowadays almost as blasphemous as »Yugonostalgia«.

But let me go back to the stereotype of a suffering poet. There are two existing mechanisms, which enable a poet to survive in Slovenian market economy. Both are propelled by pain and suffering but they have different faces. The face of the first one is messianic and can be applied to those poets who exclusively live for

the legacy of poetry. The primal condition to claiming such a status is, you wouldn't believe, suffering. The condition is by all means relieved by the State, who supports the sufferers with different kinds of financial aid. The other face show apostates of poetry, the ones who have started to doubt and give in under the pressure of market economy and ever-growing expenses. I belong to the latter. My misfortune lies also in the fact that I am neither capable nor prone to suffer. If nothing else, it requires a lot of energy. I myself spend a great deal of it on joys of life, especially on sport activities so there is not much left for the sublime.

As a result of my attitude productivity suffers which means that I do not behave according to the slogan of market economy: »The more you suffer, the more you get.« In any case I still cannot escape the suffering as I always find myself in pain when I look at the negative saldo of my bank account.

Perhaps I should go to the quiz »It's Nice to Be a Millionaire« and take the easy money without suffering. Perhaps.

Public Lending Right in the Nordic countries

BY JESPER SÖDERSTRÖM

Director of the Swedish Authors' Fund, Sweden

An initial reflection

I have the privilege of presenting the Nordic Public Lending Right. But there is not one Nordic scheme for Public Lending Right. There are five different models, all of which are relatively dissimilar.

But there exists a common Nordic history of authors' struggle; there have been and still are some similar objectives of the State cultural policies in the Nordic countries; a common view within "Adult Education" – an idea of education of another nature than the academic or professional education – which includes the idea of freedom of information and the free access to art and literature, where the public libraries play an important role. This makes it still a good idea to deal with the different schemes under this common headline: Nordic Public Lending Right.

A common history

The first Scandinavian reference to Public Lending Right, PLR, was made at the initial Meeting of Nordic Authors in Copenhagen, in 1919. The issue was raised by the Danish authoress, Thit Jensen, who thought that the Scandinavian authors should join forces and collectively demand compensation for the Public Lending of their books.

Thit Jensen's proposal for a Public Lending Right was that the borrowers themselves would pay a sum to the authors each time they borrowed a book. She argued that a lending fee would foster a greater respect for the books in those who borrowed them. The proposition that the borrowers should pay to the authors created a lively debate, despite the fact that the libraries in Denmark, at the beginning of the 20th century, still charged a certain sum for the privilege of borrowing books.

The idea of "Adult Education", mentioned initially, had become increasingly strong in the Nordic countries and many of its advocates saw the authors' demands as a threat to the opportunity for ordinary people to acquire a literary education, while the interest of the authors of course was a remuneration right as opposed to some kind of financial aid from the State. The conflict between those two interests was difficult to resolve.

So, the Nordic authors' associations agreed that their members should receive compensation for the use of their work, but they were unable to agree as to whether it should be financed by the borrowers or out of the public purse. Particularly in Norway the resistance to lending fees was strong.

Also in Sweden, the authors were initially in favour of a public financed remuneration. However, since it was considered unlikely that the State would

undertake any financial commitments during the economically strained 1930s, the Swedish authors came to pursue a demand that the compensation should be financed by the borrowers. This was a tactical mistake, which created conflicts, within the authors' associations as well as between them and the political establishment.

A tactical mistake I said. But an interesting mistake because in a way it exposes the conflict which seems to be built in to the case of Public Lending Rights: they put forward a proposal to the government saying that they wanted to do away with the free right to borrow. This creates a relationship between the borrower and the author, but is the relationship really there? Isn't it between the library and the author? They should have said that they wanted to do away with the free right to lend. The question of Public Lending Right remuneration instead became a social question – should the public have free access to the libraries or not – and this delayed the matter for many years.

But up to the time of the Second World War the Nordic authors had succeeded in placing the issue of Public Lending Right high up on the political agenda.

Both the Swedish and the Norwegian authors declared – as early as the 1920s – that the compensation for Public Lending should not only be an individual remuneration but also a collective one. At the same time the authors in Denmark, Norway and Sweden were pressing for the right to administer their own funds, through the medium of their organisations. They wished to change the existing order whereby financial assistance was dispensed by the politicians, and replace it with a remuneration right in which the authors themselves would be responsible for the money that their work had created.

I will not tire you out with all the further details of the history that lead up to the PLR schemes in the Nordic countries. However, **Denmark** became the first country in the world to introduce a Public Lending Right, doing so in 1946, almost 30 years after the issue had been addressed. The Danish scheme, however, was not based on the original proposal of a specific sum per book loan, but set at 5% of the State appropriation to public libraries.

In **Norway** a similar scheme was introduced in 1947, when 2% of the State Library Subvention was transferred to a special fund. Both constructions, however, have since been replaced.

But the **Swedish** scheme, introduced in 1954, has actually been left virtually unchanged. The Danish PLR was distributed to individual authors according to the number of volumes of their works to be found in the libraries. The Norwegian system made no such provision for individual remuneration – instead, the entire compensation was disbursed in the form of grants, pensions and the like. The Swedish PLR was a kind of a compromise between the two systems, one part being distributed as an individual remuneration, according to the authors' lending frequency and the remainder disbursed in the form of grants etc.

But what happened to the conflict I was talking about – the conflict between the wish to allow the people a free use of their libraries and the authors aims for payment for the use of their work – that for a while seemed to make it impossible to set up Public Lending Right schemes in the Nordic countries?

The answer to that is that the conflict is dissolved by the basic principle of treating the PLR as a part of the cultural legislation – and the principle that the payment is made by the government, not by the individual borrower, not by the library itself, not even by the community, which runs the library – but by the government.

This conflict is nowadays in the Nordic countries conspicuous by its absence. But I think that it can be obvious for those of you, representatives from countries thinking of, or busy with, establishing a PLR scheme – and it becomes definitely even more obvious if you are thinking of making it a part of your copyright laws. If you consider this as a matter for the copyright laws, it is from a logical point of view the one who uses your work that has to pay for that right – and then you have to consider the risk that this may have a negative influence on the lending figures.

I finish this initial history by telling you that **Finland** introduced a PLR scheme in 1961, a system of grants to writers and translators. **Iceland** became the last Nordic country to introduce a Public Lending Right scheme, in 1967.

A harmonised copyright legislation (and the relationship to the EC Directive on Rental and Lending Rights)

The Nordic countries have for many years had a harmonised copyright legislation – and all of them have availed themselves of the possibility to place the PLR outside it. The acts on copyright in each of the countries state in the first article the exclusive right of the author. The Swedish one reads as follows:

Anyone who has created a literary or artistic work shall have copyright in that work.

According to this statement a creator has the right, in principle, to compensation whenever his/her book is used. But the second chapter of each of the Acts begins with several limitations, or exceptions from the first article. One of these is article 19:

“When a copy of a literary or musical work or a work of fine arts has been transferred with the consent of the author, that copy may be further distributed.”

Thus, this article implies that a library, which has bought a book, has the right to lend it; an author cannot oppose this and he/she has no legal right to compensation.

The second chapter, with all the limitations on the exclusive copyright, has reference to the concern for the public interest of free access to works of art and

literature, which every copyright legislator has to weigh against the rights of those who created the works.

The Nordic choice, then, is to treat the PLR as part of cultural legislation and place it outside the copyright laws – and, as I said earlier, make the payment by a state allowance.

But is this in accordance with the EC Directive on Rental and Lending Rights from 1992? The Directive establishes an exclusive right for the author to authorise or prohibit rental and lending of the original or a copy of a work. But the Directive also makes clear that member states may derogate from this exclusive right, provided that at least authors obtain a remuneration for such lending – and that the member states shall be free to determine the remuneration taking into account their cultural promotion objectives.

Upon the adoption of the Directive, the EU Commission declared that the Danish PLR was in accordance with the requirements of the Directive. Denmark was at the time the only Nordic country which was a member of the union, but considering the similarities to the schemes of the other Nordic countries, it is clear that the Nordic approach to the Public Lending Right is accepted even in the European Union.

Note: Sweden introduced in 1999 – as a reaction to the Directive – a new PLR scheme for phonograms and music books. However this remuneration will not be administered by The Swedish Authors' Fund but by two collecting societies representing composers and performers of music, and the new scheme is in many ways dissimilar to the one we have got for literary works.

How the total compensation is determined

The Swedish system is the most complex of them all. When presenting the different features, I'm going to put the stress on the Swedish scheme, but in connection to this, I will try to discuss the similarities or the dissimilarities to the other schemes.

To make this as clear as possible for you, I begin with how the compensation, meaning the total appropriation, is determined, and then I will return to how the compensation is distributed.

The appropriation to the **Swedish** scheme is mainly loan-based. It is based on a specific sum for each loan from public and school libraries. There is also compensation for the use of reference copies – a reference copy is counted as four loans.

Originally this amount of compensation was determined unilaterally by the State. In 1985, however, the Swedish Writers' Union, the Swedish Association of Illustrators and the Swedish Photographers' Association reached an agreement with the Government about negotiations on the rate of the remuneration for each loan.

Since the subject of the negotiations is the rate per loan, our appropriation is of course depending on the lending figures in public and school libraries. Official statistics on library loans is therefore necessary to calculate our yearly appropriation.

The current rate per loan is SEK 1.07 (EUR 0.12), which generated a total budget this year of SEK 112.4 million (EUR 12.2 million).

As I mentioned – the compensation is primarily loan-based. From the beginning only home loans of books originally written in Swedish were eligible. But compensation for the use of reference copies was introduced already in 1957. Translations to Swedish were included in the scheme in 1961 – with half the compensation of the works originally written in Swedish. In 1978 compensation was introduced for books written in foreign languages by authors permanently residing in Sweden.

In Norway, the total amount of money for the PLR scheme was until 1997 paid out as a “lump sum”. However, since 1998 a fixed price has existed – but the Norwegian scheme is based on holdings; the rate is therefore per volume of a book found in the libraries. Eligible books are those that are written in Norwegian or the Sami language and all types of libraries are included in the scheme.

The current rate per volume is NOK 1.40 (EUR 0.17), which will generate a total budget this year of approx. NOK 57 million (EUR 6.9 million). As in Sweden there are negotiations between the Government and the authors’ organisations.

In **Denmark** they have abandoned the principle of a fixed price as well as the right to negotiations about the amount. The yearly appropriation to the scheme is therefore fixed in the state budget as any other normal appropriation. The total budget this year is DKK 153.8 million (EUR 20.6 million), which is a world record in payments for Public Lending Right.

Neither in **Finland** has the size of the appropriation any connection with the lending frequency or the number of volumes. The compensation is decided as 10% of the amount of public support allocated for purchases by public libraries. The total amount for this year is FIM 14.1 million (EUR 2.4 million).

Also in **Iceland**, the appropriation is decided unilaterally by the State, without any preceding negotiations, as any other normal appropriation over the State budget. It amounts this year to ISK 19.3 million (EUR 245,000).

How the compensation is distributed

I mentioned earlier that both the Swedish and Norwegian authors claimed that a Public Lending Right should be a collective one. The Swedish PLR is a collective one, but disbursed both as an individual remuneration, according to the authors’ lending frequency and in the form of grants, pensions and so on.

The individual remuneration constitutes the cornerstone of our scheme. This individual remuneration has long since been 60% of the sum for each loan that constitutes the appropriation to the fund. But in the end this individual remuneration amounts to slightly more than a third of our total payments. The difference thereby is explained by some restrictions on the individual remuneration. I will soon return to them.

The criteria for receiving the individual remuneration are mainly the same as the criteria for eligible books constituting the income of the fund. You have to write in Swedish, translate to Swedish or be permanently residing in Sweden. Individual remuneration for reference copies is four times the remuneration for a home loan, and the remuneration for a translation is half the remuneration for a book originally written in Swedish.

In case of death, the individual remuneration is paid out to the author's heirs, for as long as copyright exists.

I said that there were some restrictions on the individual remuneration: There is no remuneration paid out for books with more than three authors or translators, though the compensation is paid to the fund for those loans. If the individual remuneration due to an author or translator is less than the sum corresponding to 2,000 loans a year, he/she is not remunerated. And finally, the rate of individual remuneration drops in several stages at higher loan frequencies than 100,000 loans a year, though we get full compensation for these loans.

The amount that remains when this individual remuneration has been disbursed, according to the authors' lending frequency, is called the free part of the fund. The two elements of the fund are like communicating vessels, meaning that the restrictions on the individual remuneration just mentioned, enlarge the free part – the means available for grants etc.

The free part of the **Swedish** Authors' Fund is used for grants of various lengths, for pensions and so on.

All these means are disbursed on the basis of applications and/or recommendations. And that's why I also mention the guaranteed individual remuneration under the heading of the free part. The board of the fund may decide to disburse a larger amount than that which has been calculated statistically. You have to apply for this, as for the grants, and your literary production has to fulfil a range of criteria, and you may not simultaneously be employed more than half time. At present 215 authors receive this guaranteed remuneration, which is paid out until the recipient begins collecting his/her National Pension. This year, the guaranteed remuneration amounts to SEK 147,000 (EUR 16,400). It is, as the statistical individual remuneration, taxable and you must pay social security contributions on the amount you receive.

I'm not going to give you all the details about the free part – the point is that there is a free part, and the fact that it – in combination with the individual remuneration – can be used to improve the economic situation for the Swedish

authors, translators and illustrators. There are working grants for one, two, five or ten years, and travel grants. The working grants for ten years were introduced last year. They are, like the guaranteed remuneration just mentioned and the five-year working grants, intended to provide economic security for highly qualified and professional authors.

Furthermore the free part of the fund is used for smaller pensions to authors who have a small National Pension. And a considerable part is used for contributions to the three creators' organisations represented on the board.

The **Norwegian** way to distribute the compensation is to pay it out to fourteen special foundations, established by different authors' organisations. It is left up to these organisations to agree on a division of the total revenue. The different foundations are free to decide on the distribution of the money. They largely grant sums to projects or travelling on the basis of applications. Funds are also allocated to the management costs of the organisations.

In **Denmark** there is no free part with grants on the basis of applications. The payments are only in the form of individual remuneration, based on the number of copies found in the libraries of an author's book – and the number of pages of each book. Furthermore there exist different basis of calculation for different genres: The actual number of pages is multiplied by 2 for translations of poetry, by 3 for children's picture books and cartoons, and by 6 for poetry.

In Finland, as I mentioned, the entire compensation is paid out in the form of grants to writers and translators who write or translate to Finnish, Swedish or Sami and who live, or have lived, permanently in Finland.

A new scheme on PLR in **Iceland** came into force in 1998. Half of their payment is distributed as individual remuneration according to lending frequency, and the other half of the total amount in the form of grants.

The PLR as an important culture-political instrument

In all the Nordic countries the eligible criteria for PLR is linguistic. In Sweden the right to receive payments is extended to authors permanently residing in Sweden, and in Finland they have added the requirements that you have to live or used to live in Finland.

This is of course a manifestation of the PLR as an important culture-political instrument for supporting the national language and literature – a necessity in smaller language countries. The relative large amounts allocated for the different Nordic PLR schemes, has to be seen in the light of these facts.

The Norwegian way to describe their PLR is as a collective system based on the principle of solidarity, a view adopted by the political establishment as well as the authors themselves. Among Swedish authors the Authors' Fund is often described as a solidarity fund. That is undoubtedly true, but besides the idea of solidarity I would also like to add efficiency. The way the Swedish PLR scheme is constructed gives us the opportunity to put the question: how do we best use

the collective compensation to the authors? How can we improve authors' economic conditions, and create opportunities for the growth of Swedish literature of high artistic values?

These are questions somehow irrelevant if you deal with a copyright based scheme, and, as you see, we are now again talking about taking into account cultural promotion objectives – the wording from the EC Directive. And you can be sure that the government has those objectives in mind when they open their negotiations with the organisations.

The authors' aims for a hold over the money that their work has created – a common Nordic corporate tradition

The Writers' Library Fund in **Iceland** consists of five members appointed by the Government, but all of them, with the exception of the chairman, are nominated by the creators' organisations. In **Finland**, the committee for Library grants is made up of seven members nominated by the creators' organisations, besides only two representatives appointed by the Government. These constructions are, from a constitutional point of view, not particularly extraordinary, but they are in a corporate tradition with a lot of power for the organisations over the decision-making.

In **Norway**, the idea of the authors' hold over the money is completely realised, though the PLR still is considered as an element of the State cultural policy. As I said earlier the different foundations, established by authors' organisations, are free to decide on the distribution of the money.

You are probably familiar with the expression “Arm length bodies” or “authorities at arm's length” – authorities allowed certain latitude from the government. The Swedish Authors' Fund is, I would say, an “authority at more than an arm's length”. Proof of this is in creation of the board – the majority of the board is made up of members appointed by the creators' organisations, though the government appoints the chairman and three other members. Note that the organisations not only nominate, as in Finland and Iceland – they actually appoint the members, a right confirmed by a special law. Since our appropriation is a result of negotiations, the government cannot regulate our operations in the same way as they do with other public authorities. We cannot be forced to follow overall government priorities as any other public authority.

If you ask the Swedish authors themselves, I believe that this right is considered as the most prominent mark of their right to a hold over the money that their work has created, though it rests on a mutual recognition of the PLR as a crucial element of the state cultural policy. But the right to negotiate also give them the possibilities to demand different kinds of changes on the basis of how the compensation is calculated. For instance, since 1993, the Fund also receives compensation for the reading of books other than the reference copies within the libraries. This extra compensation is decided as an adjustment upwards by 2% of the eligible loans constituting the compensation.

In this case the authors had identified use of their works, which didn't appear in the official statistics. Their views were met with sympathy and they were able to reach an agreement with the Government.

Besides the Swedish PLR scheme, with its free part, there are practically no other state grants for authors in existence, as there are for other artists. Actually, there is a small state allowance for grants to authors and journalists in the field of culture, but those grants are distributed by the Authors' Fund as well, as a smaller complement to the Public Lending Right. Furthermore we decide on distribution of state grants and subsidies to playwrights.

So, actually we can come to the conclusion that the state is satisfied with the fact that the aims to create acceptable working conditions for authors are carried through by the Swedish PLR scheme, and that they are satisfied with a major influence of the authors themselves.

Report Workshop Literature

BY MAUREEN DUFFY, Chairperson

JOHN-ERIK FORSLUND, Secretary

We appreciate the initiative of the Swedish presidency in devoting an entire meeting at the European level to the working conditions of the creative artist.

We hope that this will be the first in a series of meetings on subjects within the framework of the working conditions of the creative artist.

We point out that literature is unique among the three disciplines in that it does not use a universal language, like music and the visual arts. It is part of the problem and the glory of our European heritage that we have a diversity of languages and therefore a diversity of literary cultures. We have a responsibility, as clear as the environmental responsibility to maintain the rain forest to preserve and develop our languages and literary cultures.

In our discussions we found great unanimity on the problems that we face as writers and in many of the proposed solutions to those problems even where the physical conditions – size of population, political and cultural heritage for example – appear to be very different. We often found ourselves to be singing from the same hymn sheet.

Turning to specific questions now:

Lucas Cejpek, Austria, pointed out both the low level of government and public support for Austrian literature as part of a wider German speaking area. “The average Austrian reader buys one book a year, mostly a cookbook”.

Dimitris Nollas, Greece, speaking from the viewpoint of “a not widely used language” as he described it, stressed in a beautifully crafted speech that language is a vehicle of culture and not a mere tool. He also stressed the necessity for translation to and from all the different languages of Europe, and the workshop endorsed a demand for greater EU support for translations, as a priority.

Esad Babacic, Slovenia, refused to accept the stereotype of the suffering artist even though this was an image preferred by the market economy.

Jesper Söderström, director of the Swedish Authors Fund, explained the history, concepts and variations in the differing but similar Nordic systems of public lending right. Further examples from Germany and the United Kingdom were also discussed and the question of whether it is better to enact PLR as part of the copyright system or as an aspect of cultural support. The conclusion of the workshop was that some form of PLR should exist throughout the EU.

Sometimes it seems to be an advantage to be a small country whose very language and culture are threatened with extinction. This concentrates the mind of both government and public. In Estonia for example vigorous efforts by the writers organisation have increased government funding, and other protective measures for self employed artists. In Lithuania with a larger population there is a mixed economy, half market and half cultural funding which varies from year to year. In Slovakia writers found it impossible to live from their writing alone and are all forced to find additional employment. At the other end of the scale, Norway and Sweden have introduced a guaranteed minimum income for writers and translators.

The three questions dealt with

1) Threats or opportunities? Artists' experience with the new technologies

The workshop perceived the new technologies as both threat and opportunity. On the one hand print on demand makes it possible to keep a work in print and to produce copies with great granularity. However, unless the contracts for p-o-d-production are very carefully drawn and with a fixed license period and royalty, the writer's work is tied up for the full time of copyright and could even be suppressed by non publication. Of particular concern is the redefinition of the concept "in print".

Publishing on the Internet provides interesting possibilities for the future and for new modes of creation but the practical problems of payment and protection are still not resolved. The developing production of e-books also poses similar problems. Swedish examples of p-o-d are particularly advanced especially in making plays available.

Finally we are watching with great interest to see that member states implement the Directive on Copyright in the Information Society with a proper regard for writers' rights and interests, rejecting the optional restrictions on the rights of reproduction and communication to the public.

2) The artist, an odd fellow?

Members of the workshop from many countries including the candidate countries testified to the very unsatisfactory situation of the self-employed writer outside the normal welfare provisions of social security benefits and pensions. Far too many writers in sickness or old age decline into real poverty. In most countries the tax system is not at all suited to the income conditions of the professional writer. There needs to be greater understanding and flexibility - the Irish principle is to be much admired.

The workshop calls for a full professional study to be made of these conditions throughout the EU as the first step towards their improvement.

3) What markets can do – and what they can't

The market is best suited to dealing with the best seller in a country with a population size sufficient to support it. In many smaller countries there is no

question of the market being able to do this all the time, or in some cases ever. Even in countries with a large population and a majority language, markets alone cannot support specialised publication of poetry, short stories, literary fiction, plays etc.

In the search for alternative funding the workshop asks for a feasibility study to be undertaken into the domain public payant (authors' communal right). The study carried out by professor Adolf Dietz, Munich, is a starting point.

Finally: The workshop gave us an opportunity to discuss our problems and preferred solutions, but it also made us aware that in some parts of Europe writers' organisations are still not strong enough to campaign to improve their members working conditions, and the continuance of these meetings will give us the chance to support and strengthen each other.

Workshop Visual Arts

Artists and Galleries in France since 1990

BY IRÈNE RUSZNIEWSKI

Artist, Deputy Secretary General of the Visual Artists Union, France

I found out when I read the seminar programme that I was supposed to speak about artists and galleries. The French Ministry of Culture provided me with this report, “Quel avenir pour les galeries d’art contemporain?”, 200 pages long, just one week ago. I would like to point out that naturally, I am not speaking for the Ministry.

The complex and often abrasive relations that exist between creative artists and the “world of art” (dealers, auctioneers, intermediates, museum directors, gallery owners...) have changed a lot over the last ten years.

The massive phenomenon of overblown speculation increased until the bubble burst at the end of the eighties. This mini-branch of the art market has in a sense been beneficial. As always happens with speculative bubbles, the picture cleared after the explosion. While cutting itself off from the real artistic bargains, the art market had become purely speculative and unreal.

Since 1995, however, the market in contemporary art has begun to recover from the crisis. But the place of the gallery as the central agent of the market is in question, if not threatened.

French galleries, and I think galleries in many other European countries, are constructed along the lines of small firms, closely identified with their director or owner. They usually have between zero and two employees, or at least legally declared employees...

There are approximately three types of galleries:

First, traditional galleries, which mostly sell figurative art. Some of them are good, long-established firms, specialising in “art bourgeois”, if you know what I mean. Their purpose is trade rather than art and they follow (?) commercial trends. The others, most of them, are what I would call useless galleries – traps for artists. They take a low percentage on sales, because their aim is not really to sell. They demand large sums of money of the artist just to hang his or her work on their walls. They’re happy if they can pay their taxes, electricity bills and so on, and that’s about all that interests them.

Then you have the young galleries, focusing on the international avant-garde. Supportive of new talents and often non-commercial, they can only survive with considerable support from the state. How their artists manage to survive is another matter. Then perhaps the galleries acquire a reputation and start taking part in big international fairs. As they are few in number, their doors are not really open to lesser-known artists. They don’t ask to be paid for lending their walls, but their commission on sales can be as much as 90%, and is often around 70%. Of course, they do their job and sell your work. To justify their high

commissions, they cite the increasing cost of promotion, of stands at art fairs and so on.

Galleries in France normally have to pay 1% of their turnover towards artists' social security (apart from the galleries which don't pay at all – and they are quite a few). Also they don't have to fill in an income tax return, they simply present a declaration "sur l'honneur" = "I swear on my honour that I didn't earn more than X million francs this year, so I owe you this sum and no more." The artists, of course, have to produce an income tax return so that the state can calculate what they have to pay for their social security.

French galleries make 78% of their income on first sales. For the rest, 7.4% comes from resales on living artists and 14.6% on dead artists. Which brings us to resale rights.

In part due to Britain's example, French galleries obtained from the government a moratorium on resale rights, originally for 15 years, now reduced to 3 years, I believe. So, as resales constitute 22% of total turnover, (and in the case of dead artists, some resales are exempted from rights altogether) and resale rights in France are 3%, the most the galleries would be required to pay is 3% of 22%, which works out at 0.66%.

And they scream as if they are being strangled.

They are practising a form of blackmail – either they pay 1% for social security, they say, or they pay resale rights, but not both. And it works. Imagine what would happen if an artist were to say: "I'll pay my income tax or my social security contributions, but never both!" It would not be the same story, I guess. It may happen sometimes, of course, as many artists are too poor to pay income tax.

I don't know how it works in other countries, but in France artists and galleries seldom sign contracts. I mean contracts that genuinely respect the rights and interests of both parties. There are no rules in this area. I think this is much more damaging to the artists than to the galleries, although the galleries of course don't agree. They try and portray the artists as villains, traitors who flee the nest when they become famous.

Then we have the independent structures on the contemporary art scene. The rapid growth of contemporary art associations is a new phenomenon. Artists get together to promote themselves and their own work.

These groups aspire to efficiency, professionalism and quality. They offer new forums for distribution and production, closer to the artists themselves. They don't keep to any precise aesthetic line, rather they tend to be open to different trends. They mostly present lesser-known artists, both young and old.

Of course these kinds of structures are vulnerable, and they often depend on institutional support. But the state budget for visual art is just 4% of the ministry budget for culture.

The French state is encouraging the associations to seek private partnerships. These independent structures have become a part of the contemporary art landscape in France, but not having any economic, political or social clout, they do not really represent a counterweight, either to the institutions or to the galleries.

In short, French galleries are not happy at all. They feel they are not being properly supported by public institutions (60% of the purchases of the National Fund for Contemporary Art are from the galleries). Also, they resent the independent art centres, viewing them as disloyal competition.

So we have a situation where 1% of the government's culture budget goes to artists' associations and artists who sell directly at the studio. Meanwhile, artists are threatened by concentration and globalisation, by big auction firms like Sotheby's and Christie's, which represent another kind of threat to living creativity, being powerful enough to try and impose their own rules concerning taxes and copyright.

So let's help the galleries to respect our rights and our interests, i.e. the rights and interests of the artists.

Thank you.

Contemporary Art in Latvia after Ten Years with the Soros Foundation

BY SANDRA KRASTINA

Artist, Latvia

The emerging Latvian Centre of Contemporary Art (LCCA) marks a new direction in the trajectory of the development of Latvian contemporary art. Its origins can be found in the activities of the Soros Centre for Contemporary Arts – Riga (SCCA). Founded in spring 1993, its home has been in the building owned by the Latvian Artists' Union at 11. Novembra krastmala 35. The Soros Contemporary Art Centres were part of the Soros programme that began to be implemented in Eastern and Central Europe in the mid-80s. Twenty such centres were established between 1985 and 1995.

The main work of the SCCA-Riga in fulfilling its goal has been and is the creation of a database of Latvian artists active in the sphere of contemporary art, the organisation of the annual exhibition and other contemporary art events as well supporting the projects of individual artists.

The SCCA database is the most tangible aspect of this work and has taken shape over the five years of the centre's existence and its value is determined by the uniqueness of the collated material and the professionalism in its compilation. The database is constantly updated and serves as a basis for the development of an information centre. This in turn provides Latvia's art scholars, students, foreign curators and interested persons with the necessary information about the contemporary art processes in Latvia as well as collating the latest local and international art press and catalogues, a valuable source of information about developments in art around the world.

The SCCA annual exhibitions have become the central event in the contemporary art calendar of Latvia and usually attract wide media and public attention. The centre's international contacts and experience gained during its working life have been instrumental in the participation of many Latvian artists in important international projects. One of the most significant projects managed from the centre was Latvia's debut at the 1999 Venice Biennale.

Until now, the SCCA-Riga has been the only institution to promote the contemporary art processes in Latvia in a programmed and systematic way. The expertise and experience gained over the years has created the basis for a new structure that would be ready to become involved in problem solving at the cultural policy level. That is why in co-operation with the Riga City Council and the Latvian Ministry of Culture, a new institution is being established – the Latvian Centre of Contemporary Art. By continuing and broadening the scope of activities begun by the SCCA-Riga, it will be concerned with the promotion of the contemporary art process in Latvia.

The primary task of this new institution will be to work out the conceptual and development model of a Latvian Museum of Contemporary Art. The establishment of such a museum is one of the priorities of current cultural policy. This is because the need to research and document purposefully the works of contemporary art created over the last decades is becoming increasingly acute. Currently, the only records are in the files of the SCCA-Riga database. Many of these works have been lost forever and there is an ever-expanding black hole in the history of Latvian art. Also, the catastrophic lack of accommodation for regular exhibitions of contemporary art denies society the opportunity to become acquainted with the latest tendencies in art and restricts the education of the potential consumer of art. The knock-on effect of this is to hinder the development of an open society, broadminded and aware of the world context.

The Latvian Centre for Contemporary Art is a step in the direction of the Museum of Contemporary Art because its work prepares the gradual development of the SCCA database and expanding the library, the continuity of information gathering and dissemination is ensured. Through the organisation and promotion of contemporary art activities, artists are given the opportunity to realise their creative potential and this in turn prevents the extinction of “living” art processes. Participation in international art exhibitions promotes recognition of Latvian contemporary art and the establishment of new contacts for future co-operation. This encourages the successful integration of Latvian art in the context of world culture.

The new LCCA could become a focal point in the Baltic and Nordic region for the latest tendencies in contemporary art and for shaping the language of the 21st century of art.

Subsidised Loans for Private Acquisition of Art in the Netherlands

BY BERT HOLVAST

Artist, Director of the Federation of Artists' Organisations, Netherlands

Growing in popularity

Anyone wishing to buy a work of art from a visual artist in the Netherlands can do so by instalments and without incurring any interest. The interest costs are paid by the Ministry of Education, Science and Culture. If the buyer wants to avail himself of this attractive "art purchase scheme", the work has to cost between NLG 1,000 and NLG 15,000, and be bought from one of the 140 selected art galleries.

In its current form, this "art purchase scheme" has existed since 1997 and is growing in popularity among buyers, artists and galleries. The number of buyers making use of the scheme has grown in the space of three years from 4,000 to over 7,000, there are more interested buyers among gallery holders than can be admitted, and the total volume of art sales has grown over three years from 8 million to 16 million NLG per annum.

The government is also largely satisfied with the effect of the scheme. Responsibility for running the scheme has been assigned to the Mondriaan Foundation (one of the art foundations financed by the central government and linked to the government in the Netherlands). The Mondriaan Foundation has largely delegated implementation of the scheme to VSB bank, which keeps implementation costs low and administrative hassle for the buyer and vendor alike to a minimum. The total subsidy and implementation costs are around 1.5 million guilders (4% of the Mondriaan Foundation's budget).

The rules of the game

The works of art must have been produced after 1945 by living artists and they must have been acquired by the gallery direct from the artist.

When making the purchase, the buyer must pay a minimum of 20% of the purchase price and pay off a minimum of 50 guilders a month. There are separate schemes for young people such as a minimum purchase price of NLG 350 rather than 1000. Checks on creditworthiness and checks on fraud are run by VSB bank in the normal fashion for consumer credit.

Gallery holders wishing to participate are verified as to their commercial and artistic content aspects. The first formal requirements include such conditions as the fact that the gallery must have been in existence for at least three years and be open daily. The gallery must achieve sales of a minimum of NLG 75,000 per annum and must hold an exhibition at least six times a year.

The artistic content is verified by a committee of independent experts. They look at the gallery keeper's vision and policy, whether they have their own panel of artists and other quality aspects.

Twenty gallery holders applied in 1999, two of whom were not approved by The Mondriaan Foundation. In early 2000, the total number of participating galleries was 140, approximately half of the art galleries operating in the Netherlands. There are provinces, which have set up their own art purchase scheme.

The art purchase scheme is closely and creatively supervised by advertising and other PR activities in newspapers and magazines. The Mondriaan Foundation itself has taken things to such a stage that it has sponsored one of the most widely watched art programmes on television, which meant that this programme featured the art purchase scheme on some scale. This public profile has helped to ensure that uptake of the scheme continues to grow significantly.

Policy behind the art purchase scheme

The financial contribution from the National Art budget has a lively political history going back around 30 years. Several variants on the scheme have existed, and the cultural-political tenor has been changed over time.

The current scheme is regarded as an instrument of government policy, which seeks to work on:

- Promoting the social and geographical spread of art
- Improving the socio-economic position of plastic artists
- Support to the gallery world proved to be a subsidiary objective.

Does the scheme as such actually work?

Any critical analysis of the effects of the art purchase scheme must look at the social profile of the people who benefit from it. They are predominantly people with a high income, high level of education and active members of the workforce. The (illusory) wish that other social tiers of society will be reached is not being achieved, but that is the case with most measures aimed at participating in art.

To reinforce the social distribution effect, artists organisations have argued for such things as lowering the minimum amount, including products of free design, including art shops and "atelier routes" alongside galleries as points of sale, and to allow for direct sales to artists (without the intervention of a gallery). Only the first two wishes have been adopted by the Mondriaan Foundation.

A subsidiary objective of the art purchase scheme proved to be a support to the gallery world. For various art galleries, sales via the art purchase scheme constitute a significant proportion of sales (between 10 and 20%). A threat to abolish the previous scheme has encountered severe protest from gallery holders in the past (apart from protests from artists organisations. The degree of organisation among gallery holders has grown sharply as a result of such

campaigns, and the current scheme is very much based on proposals from the gallery world.

As a result of the various interest and art-purchase schemes by the government, the galleries and the art trade have left behind their marginal positions (from the 60's) and they are also seen by the government as a significant part of the art infrastructure.

A contra-point for the taste elite

One exciting fact is that the selection of artwork sold is made entirely autonomously by the would-be buyer, without the intervention of any "taste elite" at all. The gallery holder allowed to join the scheme is totally free in choice of artistic range.

There has been serious discussion in the past about the question whether as a result of this freedom of the buyer, it is notably those forms of art and artists are featured that would well survive without government assistance. A public has to be found particularly for less accessible "quality art". Attempts have even been made to ensure by dividing up the galleries into different categories that avant-garde, vulnerable and not yet established art is purchased. In the wake of this political debate, a previous variant of the scheme was abolished and there was a short period in which there was no art purchase scheme in the Netherlands.

Some research has been carried out into the question of whether the preferences of this art-buying public differ from the works purchased in other ways with government support (by museums, government buildings, lending centres). And indeed the preferences of taste do differ and this fact played a role in several, ideological tainted polemics on cultural policies.

Recent closer analyses of the different preferences show that these differences of taste cannot be caught in the clichés of avant-garde; elite art versus easy accessible, more populist art. My vision is that the co-existence of both circuits does contribute to a quite tolerant, differentiated vision on the plastic arts existing in the Netherlands today in which artists can flourish.

The art purchase scheme works and is affordable

One thing about which there is little doubt is that the art purchase scheme does really affect the art-purchasing behaviour of people. It has also been found that for people with a good income, the barriers are lowered by being able to pay on instalments, particularly if they enjoy an interest subsidy simply by completing a few forms.

For some people, the scheme also smacks something of a quality hallmark for the artists' work on sale.

One thing that is certain is that without the art-purchase scheme, fewer works by artists in the Netherlands would be sold. I would doubt whether this answers the question whether this "measure expanding the market" should have priority

within an ideal art and artists' policy. Art and artists have a complex; sometimes schizophrenic relationship with the market but that would appear more to be a topic for a discussion at some other time.

In five brief points, I have sought to tell you that there is an art purchase scheme in the Netherlands, which is effective, which costs the government little money and for a number of artists leads to a contribution to what is usually a very low income. The scheme is well run by the Mondriaan Foundation and the scheme is not or no longer contested in the art world. I therefore expect the scheme to survive the forthcoming change of government. And that I think is a good thing.

Some Notes on Artistic Activity in Portugal

BY MARIA DE LOURDES LIMA DOS SANTOS

President of Observatório das Actividades Culturais, Portugal

The organisers of this Meeting have asked me to present a summary of the results of a Portuguese survey that they knew of. It is a study about young Portuguese artists and it was carried out under the coordination of my colleague Machado Pais; I played a small part in the work as a consultant (Pais et al, 1995).

In this short presentation I will focus on just a few aspects of some of the themes covered in that study.

Five main themes were covered in the survey – Artistic performance (meaning ways of carrying out artistic work); Representations on artistic activities; Talent and artistic socialization; Working Conditions and Relationships with organisations providing support for artistic activity. As it would be impossible to give an idea of all these themes in the time available, I have chosen to concentrate on some of the results in the areas of Artistic Performance and Working Conditions and to discuss some of the issues raised.

There is another study on “Young Artists”, underway at the present time, at the Observatório das Actividades Culturais (Cultural Activities Observatory) that I run in Lisbon. This research is not an extensive survey like the first one but rather a qualitative analysis based on in-depth interviews with artists who are starting off their careers and won prizes in competitions run by local authorities. Unfortunately, it is too early to give you the results of this work but I will try to comment some issues ahead.

Let me start by sketching the sociological profile of the group of artists covered in the survey (724 artists between the ages of 15 and 35, out of an universe of 3.000 artists registered in CPAI – Clube Português de Artes e Ideias – Arts and Ideas Club of Portugal).

Some variables to sketch the artists' profile:

Gender – 55% male; 40% female (Figure 1). Women are in the majority until the age of 25, then they become the minority – this means that their desire to follow an artistic career tends to become frustrated more often than is the case with men.

Age – the most represented age range is 26/30 years – 40% of total (Figure 2).

Education – strong predominance of higher education (59%); the parents of the artists in the survey are less educated (31% with higher education). But when asked about the kind of artistic learning they had attended, 21% answered none (Figure 3).

Work situation – 55% are in work, 19% are students and 6% are unemployed (Figure 4).

Socio-economic status of origin: the majority belongs to the middle levels. Social class of origin: about half of the participants come from the petty intellectual bourgeoisie (28,5%) and from the executive bourgeoisie (21%). In terms of residence – most stay in the capital and in the second city in Portugal (47% Lisbon, 15,5% Oporto). In spite of this favourable social background, the artists' conditions of work are not easy.

Let us have a look at the Artistic performance. The different manners of carrying out artistic activity led to the setting up of three categories: Professionals, Students and Amateurs. These comprise 53%, 22% and 23,5%, respectively, of the survey participants.

And what is the relationship between the artistic and non-artistic activities for each of these categories? 56% of the Professionals dedicate themselves just to artistic activities (Figure 5). Students form the category where most people exclusively carry out artistic activity, with 75% saying they do no other activity. As it would be expected, only a low percentage of Amateurs, 22%, say they carry out just artistic activities.

Although I am trying to keep this presentation very brief, there are a few observations I want to make at this point. It should be noted that there are a sizeable number (40%) of Professionals who need to have another, non-creative, activity. Note also that there is a high percentage of Students who only carry out artistic activities, some of them possibly non-remunerated. With regard to the Amateurs, how do the 22% who say they have no professional activity survive? In some cases they will receive money on an irregular basis for their creative work.

But we must not forget there are some ambiguities linked to the terms “profession”, “work”, and “activity”, and to the distinctions between “main occupation” and “secondary occupation”, when applied to the artistic field. Another complicating factor is that the three categories that comprise the variable Artistic performance – Professionals, Students and Amateurs – were drawn up on the basis of the artists' statements.

To try to clarify matters a bit, it is worthwhile looking at other indicators of artistic professionalism. For example, sources of income and time dedicated to artistic activity.

The answers to the question on main sources of income show that fixed non-artistic work is most frequently stated to be the principal source of income (28%), followed by fixed artistic work (24%), money given by the family (17%), and occasional artistic work (15%). If we look at these replies considering the three categories referred to earlier, we can see there are some changes (Figure 6): the Professionals presenting the highest value for the artistic work as the main source of income. But attention: still 28% of this category

have non-artistic work (fixed and occasional) as their main activity. This gives an indication of how precarious a professional artist's life is.

Students are the category that depends most heavily on money given by their families (40%), while remuneration from occasional artistic work is also important for them (20%). Non-artistic activity is the main source of income for Amateurs (54%) while there are 21% who also refer to family support. This would seem to answer our earlier question about how the 22% of Amateurs who only do creative work survive.

When we look at the situation from the gender perspective, we find that women (24%) are more dependent on family support than men (12%). In this regard we should remember that the female segment of the people surveyed was younger than the male one, with a larger proportion of Students and a lesser proportion of Professionals (there were also slightly more women than men in the Amateur category).

People from the higher socio-economic levels are, as would be expected, those who are under least pressure to take on any non-artistic activity.

Another aspect worth discussing concerns the opinions of the artists on the profitability of artistic activity. Of the three categories it is the Professionals who give the highest rating to profitability of artistic activity, with 26% saying it is reasonably profitable. The Amateurs are those who give the most negative views with 18% saying artistic activity is loss-making, not profitable. But Students and Amateurs, particularly the former, are the most optimistic about future profitability – 55% and 40%, respectively (Figure 7).

The other indicator of professionalism mentioned above, time dedicated to artistic activity, also raises some questions. Based on the principle that “full time” work corresponds to 35 hours per week, it is found that almost half (46%) of the Professionals, 63% of the Students and 82% of the Amateurs work less than 30 hours per week. Despite these values, among various indicators of professionalism, that of considerable amount of time dedicated to art has a considerable weight: it is most referred to by the Professionals (43%) and mentioned by 50% of Amateurs, who choose a criteria of professionalism not to apply to their amateur status.

Two other indicators of professionalism also widely accepted are: one, to feel an impulse to make art, the other, to earn a living as an artist.

Moving on to information contained in the survey on the theme of Work Conditions, there are some interesting results concerning the problems the artists referred to as more important – 60% referred to the high cost of materials and equipment and difficulties in obtaining them, as well as the shortage of places to work, while 46% mentioned commercial problems, lack of demand for artistic work and a scarcity of opportunities for presenting their work in public (note that these percentages refer to a question with multiple answers).

The three different categories of artists feel these problems to differing degrees. For example, the Professionals as well as the Students refer to the cost of work equipment as being the biggest problem; Professionals also refer to problems in selling their work, while finding working space is an equally important problem for Students; for the Amateurs the biggest problem is the shortage of opportunities to display their work in public.

Only 25% of the artists bear the costs of the space where they work themselves. Of the remainder, a large number (46%) say their workspaces are paid for fully, or partially, by family members (Figure 8). Among the others who bear these costs, we find a considerable value for Employers and Participated costs, particularly among the Professionals (Figure 8).

Considering the information I have been presenting you, it is not surprising that what the survey artists most want from the public services is financial support and a policy for the promotion of creativity (through, for example, grants, subsidies, prizes, etc.). But they also want more spaces for public exhibitions and investment in the education of the public. The improvement of art teaching is also given strong priority, particularly in the Students' replies.

Although the data presented here are rather fragmented, they do confirm that it is not really valid to speak in general terms about the young artist, since this condition corresponds to a wide diversity of situations. This includes the diversity associated with the three ways of carrying out artistic activity (the variable Artistic performance used most often in reading the results of the survey).

Let me remind you of some aspects of this diversity: different situations in regard to the accumulation (or not) of artistic activities with non-artistic ones; in regard to the importance of artistic activity as the main source of income; in regard to the degree of the stability of the artists condition; in regard to the different types of problems that affect young artists and to the different types of support that they want to see the public services assume.

At the start of this presentation I mentioned the study based on interviews that is underway at the Observatory. I would like to tell you there is a variable that is proving to be very useful for the analysis: it is the artistic area in which the interviewees work. This variable was not considered in the Survey that I have been talking about.

I think it will be interesting to analyse the effects of this variable as well as those of another one that concerns the views of the artists on the learning systems of the different institutions they attend.

As a matter of fact it is possible to evaluate a greater or lesser facility of entering the job market as a function of the artistic area (for example the tendency is for greater facility in the area of design and lesser facility in painting). With regard to the type of learning in the schools the young artists attended, this factor can also contribute to the degree of success in the beginning of their professional

career – the interviewees most frequently criticise lack of balance in the curriculum, with the technical dimension being given too much emphasis in some courses, while in others theoretical aspects are concentrated on too much.

But these aspects are to be presented at another talk in the future.

Figure 1. Young artists by gender

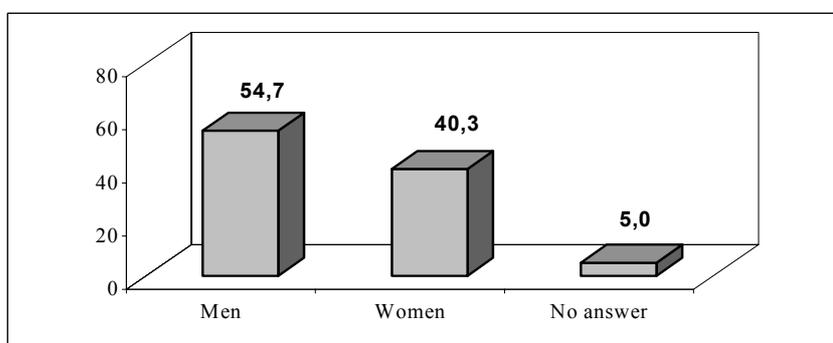


Figure 2. Young artists by age

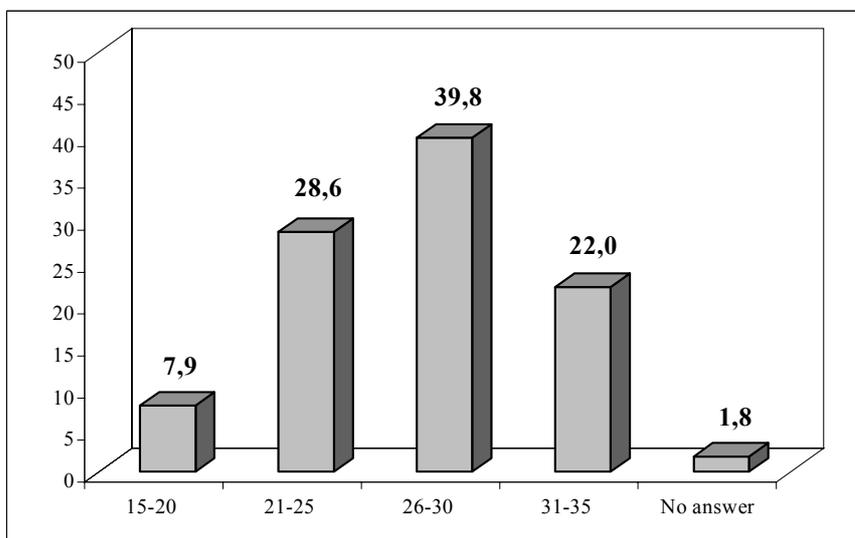


Figure 3. Different kinds of artistic learning

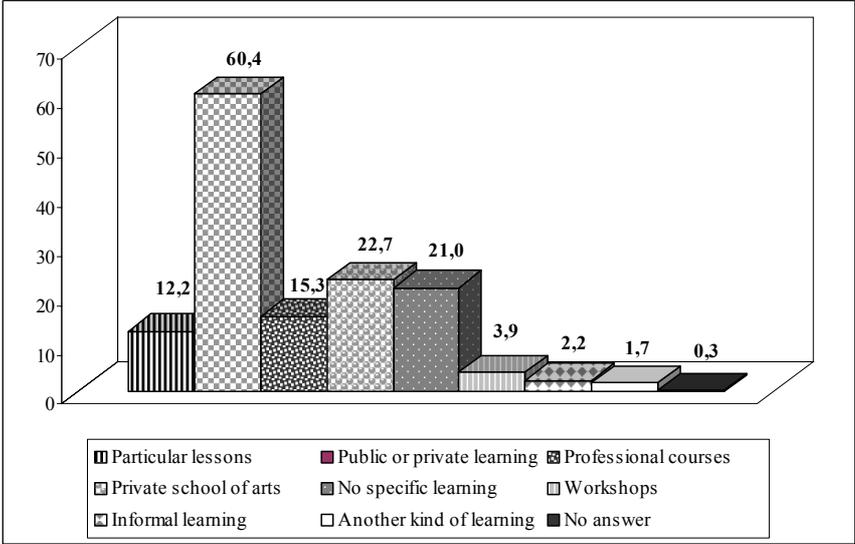


Figure 4. Young artists' work situation

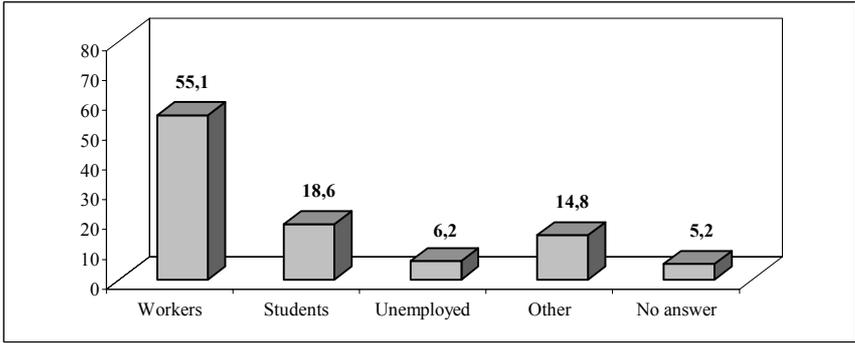


Figure 5. Activity by artistic performance

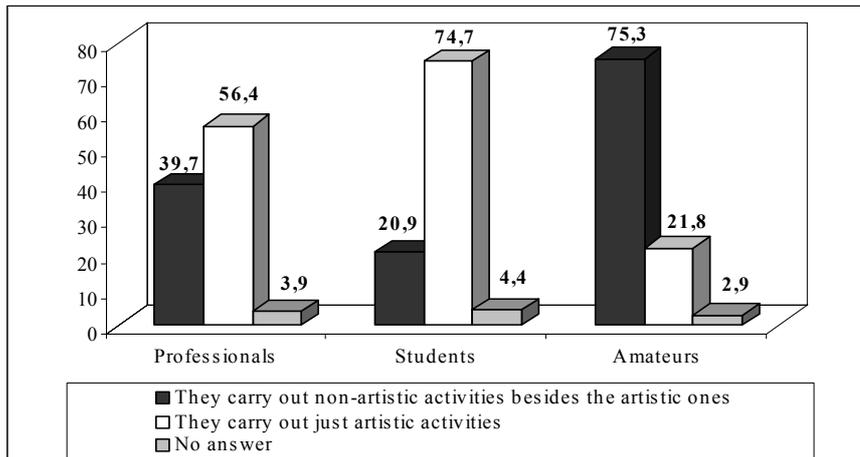


Figure 6. First source of income by artistic performance

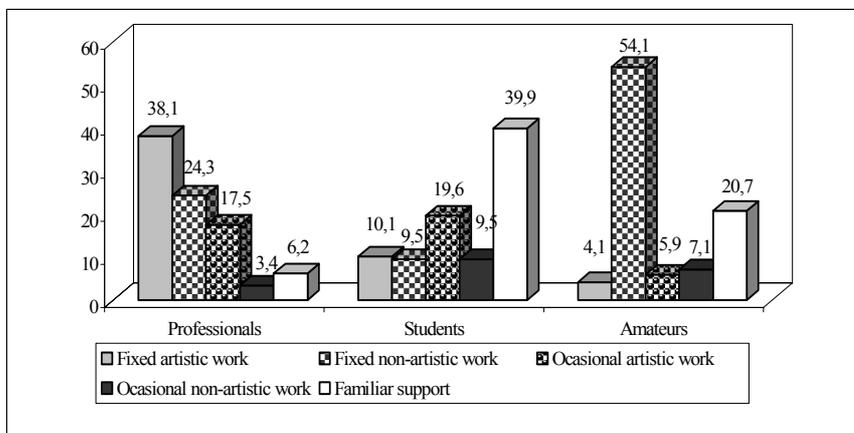


Figure 7. Opinions on the profitability of artistic activity by artistic performance

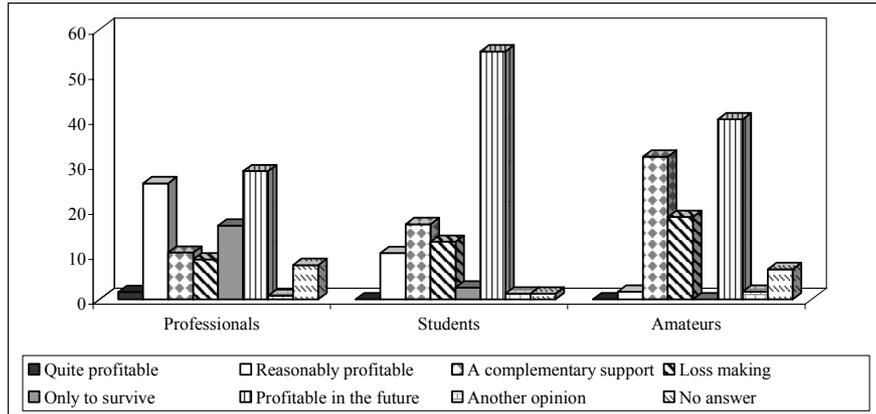
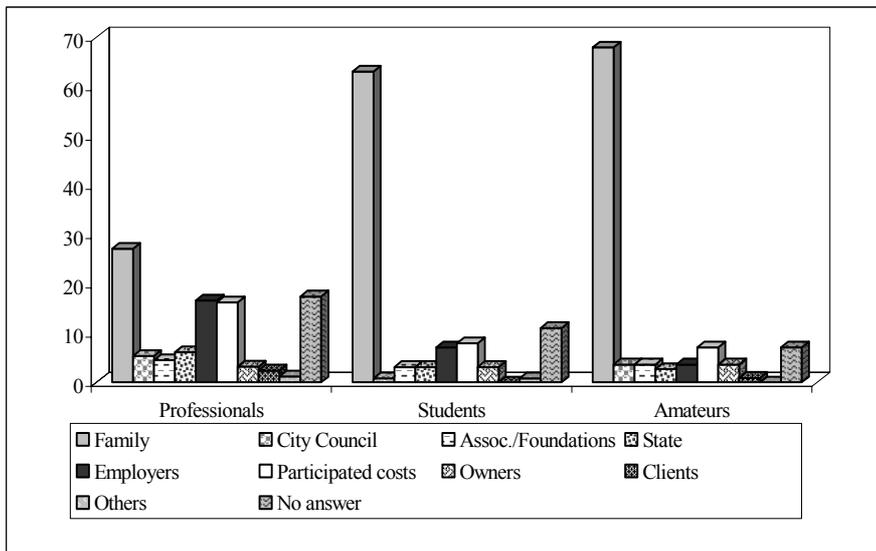


Figure 8. Bearing the costs of the space where artists work



The Swedish Model for Exhibiting Remuneration and Individual Remuneration for Display of Artwork in Public Places

BY MARIA SUNDSTRÖM

Visual Artist, President of the Swedish Artists' National Organization (KRO), Sweden

Introduction to the Swedish model

Swedish cultural policy and the approach to the remuneration system for visual artists are largely founded in the official report from 1995 called "Kulturpolitikens inriktning" (SOU 1995:84). Two features of this system are the exhibiting remuneration and the individual remuneration for display of art work in public places. The underlying principle is that visual artists to a greater extent should be able to earn their living from receiving a reasonable remuneration for their artistic works. The aim is also to strengthen the infrastructure of visual art by spreading contemporary art across the country and stimulating the market by making art more easily accessible.

The principle behind the individual remuneration and the exhibiting remuneration is that the State wants to avoid a situation where grants are the artist's only choice. The new system is meant to supplement collective and national grants and scholarships and this implies that artists are entitled to payment when a work of art has been used. The payment is remuneration for the work that the copyright holder, i.e. the artist, has performed. That way, remuneration is paid to those who have placed their artistic work at public disposal. Exhibiting remuneration includes artwork that is owned by the artist, and individual remuneration for display of artwork in public places applies to artwork that the artist has conveyed.

From my perspective as a visual artist

There is widespread acceptance among artists of these new remuneration systems. The Government and the Parliament have succeeded in their aim and thereby gained a lot of confidence among Swedish artists. The copyright holders have a good experience of these distribution systems since the demand on the market is stimulated and the exhibiting remuneration is perceived as something that creates job opportunities. The systems promote exhibitions showing contemporary artistic expressions, for example art video, photo, digital works etc. These types of "new media" often entail higher production costs than conventional exhibitions. Due to these systems these new means of expression are spread all over Sweden in spite of the fact that they are not very marketable.

The difficulty in selling works that emanate from these new art forms is not caused by a failing art market. According to the Swedish Gallery Association (Svenska Galleriförbundet) the Swedish art market increases annually by 20%. Only a small part of the National Public Art Council's (Statens konstråd) art purchases consists of these new art forms. Only one art video has been purchased over the past years and it is placed at a university in the Stockholm

area, Södertörns högskola. Only 6% of the purchases consist of photo. For that reason the exhibiting remuneration becomes a source of income based on a new approach where copyright holders are paid for the work that they have performed.

How many artists receive the educational exhibiting remuneration?

Sweden, with its eight million inhabitants, has slightly more than 5,000 professional visual artists. According to the Swedish National Council for Cultural Affairs (Statens kulturråd) there are no statistics on the distribution of the exhibiting remuneration between men and women today. For that reason it is not yet possible to draw any conclusions from a gender perspective. During the period 1991-2000 a total number of about 5,600 visual artists have set up about 7,800 exhibitions and received exhibiting remuneration for them.

In addition, the Federation of Swedish Art Clubs (Sveriges Konstföreningars riksförbund) and The Swedish Popular Movement for Promotion of Art (Folkrörelsernas Konstfrämjande) together with 3,000 art societies have sold art for a total sum of SEK 128 million. This is a very important source of income for visual artists and applied artists. Besides, the educational work that this entails contributes to yet another dimension.

Government costs for the educational exhibiting remuneration is SEK 8 million in 2001 (about EUR 900,000).

How many artists receive the State exhibiting remuneration?

A case in point is that the Modern Museum (Moderna museet) has paid SEK 533,000 to 94 visual artists during the year 2000. Foreign artists exhibiting in Sweden are also entitled to the exhibiting remuneration. The distribution between men and women is not accounted for and it is therefore not possible to draw any conclusions from a gender perspective.

Explaining the exhibiting remuneration

The remuneration is a payment for renting a work of art in connection with an exhibition. It is not a fee, which means that the total amount is paid plus 25% value-added tax. The exhibiting remuneration is not an income but rent paid for works of art owned by the artist. From a fiscal point of view the remuneration is classified as rent income and it cannot be converted and used for covering the organiser's costs in connection with the exhibition. The size and distribution of the remuneration is determined in three central agreements between the copyright holder and the State.

1. State exhibiting remuneration

Exhibiting remuneration for exhibitions at national institutions, for example the Modern Museum (Moderna museet) or the Swedish Travelling Exhibitions (Riksställningar). The exhibiting remuneration is paid as a basic amount as well as remuneration per work multiplied with the exhibition period.

2. Educational exhibiting remuneration

For exhibitions arranged by the Federation of Swedish Art Clubs (Sveriges Konstföreningars riksförbund), The Swedish Popular Movement for Promotion of Art (Folkrörelsernas Konstfrämjande), 14 galleries run by artists, various exhibitors for example Färgfabriken in Stockholm and travelling exhibitions organised by Folkets Hus & Park. The compensation is paid as a basic amount to the artist by the respective organiser.

3. Exhibiting remuneration for regional museums

Within the framework of an experimental project during the period 2000-2001, 19 out of 26 regional museums evenly distributed across the country will receive special grants in order to pay exhibiting remuneration. The conscious policy of the Minister for Culture is to distribute contemporary art in this way.

Further spread of the exhibiting remuneration?

The Swedish Artist's National Organisation (Konstnärernas Riksorganisation) has also come to an agreement with the Church of Sweden (Svenska kyrkan) about the use of the exhibiting remuneration. Many municipalities and county councils use the exhibiting remuneration in their regional exhibition programmes.

Individual remuneration for display of artwork in public places

This scheme is comparable to STIM or NCB in the music field. One motive behind the individual remuneration for display in public places is to establish the principle that artists shall receive payment for works of art that they have conveyed and which are publicly owned. The authorsright-related motive behind the remuneration is emphasised by evaluating the performances. This means that a person who has many works of art, which are publicly owned, will be paid for the number of publicly owned works. The more works of art – the more compensation. Individual remuneration for display in public places is paid annually since the works remain publicly owned.

For the public exhibition of works, which can be traced to individual copyright holders, the remuneration is distributed individually by the Swedish Visual Art Copyright Society, BUS (Bildkonst Upphovsrätt i Sverige). The distribution is determined by the work's value, its location and the total distribution of the artist's publicly owned works. The Government grant for the year 2001 is SEK 14,4 million. The artist reports to BUS which works have been bought by the State, by the municipalities and the county councils. This applies to publicly bought and ordered art. The system implies that the longer you have worked and the more works you have produced, the higher remuneration you will get.

Statistics

Artists who have received individual remuneration for display in public places are distributed in the following way:

1EURO= 8,895 SEK	1-4,999	5-9,999	10- 14,999	15- 20,000	TOT
1997 Women	650	176	34	25	885
1997 Men	573	209	98	75	955
1998 Women	746	167	37	24	974
1998 Men	573	206	97	70	1021
1999 Women	751	212	50	33	1046
1999 Men	622	250	92	115	1079
2000 Women	1034	198	49	3	1284
2000 Men	804	234	103	10	1151

1,832-2,556 visual artists received SEK 40,3 million during the period 1997-2000.

Visual artists who have received working State grants from Bildkonstnärnsfonden are distributed in the following way:

	1-year	2-year	TOT
1997 Women	79	31	110
1997 Men	71	41	112
1998 Women	37	41	78
1998 Men	42	50	92
1999 Women	23	39	62
1999 Men	21	44	65
2000 Women	20	33	53
2000 Men	19	57	76

758 visual artists received SEK 104,479,000 during the period 1997-2000.

If you compare State grants from the art foundation Bildkonstnärnsfonden with the exhibiting remuneration and the individual remuneration, you will find that the number of artists who receive grants is relatively small. The exhibiting and the individual remuneration are distributed to a very large number of professional artists and it is therefore easy to see the necessity of supplementing the grant system with these new systems.

To conclude

An important aim for Swedish cultural policy is to make sure that the exhibiting remuneration gets a sufficient scope and distribution. Through exhibitions of visual art and applied art it is possible for the public to continuously acquaint themselves with a varied choice of art and to follow the development of the visual arts. The exhibitions also constitute a meeting-place for sellers, and it is possible for the artists to show their works to an audience.

The exhibiting remuneration is an effective way to stimulate and widen exhibitions for visual artists, applied artists and for the public. A generous national art policy, consisting of generous grants, unbroken copyright and better compensation, such as the individual remuneration, is of vital importance to a modern state with a solid cultural identity based on democratic traditions.

Report Workshop Visual Arts

BY SUNE NORDGREN, Chairperson

JOHAN POUSETTE and OVE-MARTIN WALL, Secretaries

This seminar is a pioneer work and a unique opportunity for a new series of ongoing meetings since more than half of the delegates are practising artists from several countries, from EU as well as from candidate countries.

The wide spectrum of experiences gave the discussions an interesting character. This is why we want to put an emphasis to the artists' views in this final report.

As a start to the discussions four introductions were presented:

- Irène Ruzsniewski about Artists and galleries in France since 1990
- Sandra Krastina on Life after ten years with the Soros Foundation
- Bert Holvast about Subsidised loans for private acquisitions of Art
- Maria de Lourdes dos Santos about Opening up the Art Market for Newcomers, Alternative trends, Women artists etc
- Maria Sundström on Direct and Indirect support – Specific Measures

The three questions dealt with

1) Threats or opportunities? Artists' experience with the new technologies

Since the new technologies for the visual artists primarily are a creative resource these are seen as opportunities more than threats. Compared to music and literature contemporary art is, however, much less distributed over the Web. But a shortsighted focus on new, computer-based technologies might distribute the resources at art institutions unequal.

The only threat identified in the group is the fact that art works produced in the new technologies could be easily manipulated or exploited commercially without any fee for the creator. There is an interest in strengthening the copyright for artworks created on the Internet, and yet there is as well an opposite interest from some of the participants.

For the applicant countries from Central and Eastern Europe the new technologies provide easily accessible and relatively cheap possibilities to create and distribute art to a new international audience.

2) The artist, an odd fellow?

The meeting noticed this heading as intended to be provocative, but without really succeeding in its goal. The artist of our time is no longer a romantic, anti-social figure in the periphery of the society.

In the report from the European Commission on Culture, the Cultural Industries & Employment (1998) the visual artists were not included. The reason might be

that sufficient data was not collected about visual art and artists, like it was from other fields of culture. This is deeply unsatisfactory and for the future work the general practise of visual artists should be taken into account by decision-makers when formulating the new cultural policies.

The visual artist is in their profession self-employed; they engage sub-contractors and create work opportunities. The visual artists themselves work under unacceptable conditions compared to similar groups in terms of education years and professional training. In addition to this they have the weakest social safety net. The meeting recommend that the artists should be included in ongoing research undertaken to compare with other self-employed groups in the society.

Contemporary visual artists are very much interested and involved in working in a social context and want to share a social responsibility, local as well as national. But also that their professional contacts are expanded to an international arena. Guest studios and artists-in-residence programmes are regarded to have a high priority, and such an important part of the international exchange that a suggestion for “Euro Studios” should be investigated. In this exchange it is the receiving country that can identify the need and relevance of the exchange and they should be supported to establish these programmes on equal terms.

3) What markets can do – and what they can't

The meeting wanted to make a distinction between “viewing market” – very often supported by public resources – and “buying market” which is a strict business relationship. There are strong reasons to widen the definitions and find ways to combine the two.

A scheme from Holland was presented that offer Subsidised loans for private acquisitions of art. This construction is supporting several parts of the art market and has been successfully operating for four years now. It can never be anything but a complement, today covering about 4% of the total sale of art works in Holland, and because it primarily support already initiated groups of the society.

Support for artists are today very much focused on the production of traditional art works. Considering that artists are just as concerned about the creation as they are of other people to experience their work also the distribution of art should be strongly stimulated.

For the “unsellable” art, like installations, temporary time-based art works and art directly created for the Web, this is created and distributed on completely different conditions, and new ways for support and stimulation must be introduced. The physical Presence instead of the physical Object reduces the Commodity aspect of the new art.

A Swedish model for direct View Grant was discussed and regarded as one way forward for the growing field of “unsellable” art.

Workshop Composition

Spillestedsløven, the Danish “Law” to Support the Scene of Rock, Jazz & Folk Music

BY STEEN MEIER

Composer, Danish State Music Council, Denmark

About 1990 a well-known jazz club in Copenhagen “The Club Montmartre” closed down, in following of the death of its owner.

This started a political movement in Copenhagen among concerned musicians, writers, music teachers, etc. within the entire Danish world of jazz. The whole idea was, to create a new club instead of the closed one, based on substantial support from the political authorities, the state, the city and possibly others. A group of people, approximately 20 persons, worked for more than two years, to create a political and financial basis, upon which this project could be built. Everybody in the music business supported the project, the Musicians Union, the composer’s organisations, and more importantly, the Ministry of Culture and the Danish State Music Council.

In October 1991 the new club started, and it is still in business, under the name Copenhagen JazzHouse. In many ways Copenhagen JazzHouse was a full-scale experiment, to try out how the scene could develop on conditions comparable to that of the classical music.

During 10 years a lot of similar experiments have been developed, and since 1995 a big group of people, backed up by many music organisations within the live scene music, have been co-operating with the former Music Council (1995-1999). This all ended up in a report to the Danish parliament (Folketinget), with strong recommendations on building up a systematical support to clubs and members organisations, who make regular concerts within the field of Rock, Jazz and Folk Music. The danger by not doing this would, in few years time, be a total dominance on the Jazz and Rock Scene by 3-5 dominating international media companies. The worst scenario would be their complete control on every step of music production, controlling every phase of the music, even the live scene, which could end up being a scene for the big media companies and their showcases, when they introduce new CD’s, bands and soloists on the market.

Behind the report, and the recommendations, were the Music Council, and all the organisations that had been involved in the negotiations for 4-5 years. The same organisations created in many ways a strong political pressure on the Government, and on the members of the parliament, to make it possible to have a majority in the parliament, when the motion was brought up in the parliament. One of the more interesting partners in this campaign, were a lot of municipalities and city councils from the bigger cities, which strongly supported the ideas of the proposals.

In December 1999, the Government made a reservation on DKK 30 millions. (approx. EUR 4 million) in the budget for the next year, and in May 2000, the

final texture for the law was confirmed by a vast majority of the Danish Parliament.

How does it work?

The whole idea of the construction is based on an equal partnership between the State Music Council, the concerned club/association and the municipality/city (and/or the regional authorities – in Denmark called “amt.”). The Music Council contributes 50% of the total amount paid to the musician’s salary on the condition that the Municipality pays another 50%, sometimes shared with a contribution from the Region.

The club (or association) negotiates with the City Council about how much money the city council can contribute to the concerts. The City Council confirms how much they can spend for the purpose, and finally the club send a request to the State Music Council.

The State Music Council evaluates the quality of the proposed profile of the music program. If the State Music Council finds the profile of the program satisfactory, the Council decides to support the club with the same amount of money that the City Council/Municipalities have decided to support it with.

The State Music Council has clear conditions for support: The club (or organisation) shall have a major focus on the concert activity. The Council gives no support under this law, if the municipality does not support the initiative. Concerts in the program that does not have an obvious need for support because of a clear commercial success will not get it. The musical profile of the program shall support new music within the specific area, i.e. newly written music of a quality that makes an important contribution to the development of the art.

There are rules for how many foreign artists are allowed (or demanded) in the profile of the program. The profile of the individual club will depend on the local conditions, geography, etc. The State Music Council have no preferences as to what kind of clubs to be supported. The Council only demands high quality of the program. Firstly, music can be supported if it has a quality, which makes it worth to support. Secondly, there must be a need to support it, i.e. that it cannot exist financially on normal market conditions.

The system

The way the “Law” operates is based on two different kinds of support. The State Music Council invites a maximum of 20 clubs, spread all over the country, to apply for the status of a “Regional Music Club.” The contract will be a three-part contract, between the club, the City Council, and the State Music Council. The club will get a four-year contract containing specified goals that will be the basis on which the club will be run. It will typically be goals for the music profile, but also goals for how the club will participate in developing stage music in the local area; i.e. clubs are required to take responsibility for the conditions of the future growth of regional stage music.

Although the State Music Council will not support amateurs with means, the specific club can take responsibility for the development of the local music life as a part of their goals. One goal may well be to present relevant music from other countries as a certain percentage of the concert program.

The clubs, which have a four-year contract, make an evaluation once a year, with participation of the contract partners. All the others, i.e. the clubs and organisations that do not get a contract, must apply every year for the support. There are, however, no limits to how much a club can receive for a year, but there will be no support for programs of less than 10 concerts per year. The only limit for the size of support is the amount of money the municipality is willing to spend on the club.

The reality

The system is in many ways a dramatic change in the practice of supporting musical life in Denmark. Instead of directly supporting the musicians, it is the stages on which the musicians play that are supported. Instead of delivering a fully financed solution from the State Music Council, the scheme is based on a co-operation between the State Music Council and the local politicians. This means that the total amount of money in this structure is double that of what the Council has available. The amount is not only DKK 30 million (about EUR 4 million) from the Council, but DKK 60 million including the money from the municipalities.

It is of utmost importance that the initiative comes from the local parties. The whole construction is based on local activists in the clubs and organisations. The State Music Council cannot give money within this structure, without the 50% financing from the City Councils. On the other hand, The Council has the right to deny support, if the quality of the concert program is not satisfactory.

This structure is based on some common understandings. The musicians must always be paid with at least the minimum tariff (recommended by the Musicians Union), the copyright owners shall be paid in accordance with the Rome Convention, etc.

It is a demand from the State Music Council, that the final presentation of accounts must follow rules set by the Council, though controlled by the City Councils. This co-operation between the State Music Council and the City Councils, have developed into a rather dynamic growth of the music scene in Denmark within the jazz, rock, and folk music. The musicians have more stage jobs than they have ever had. The world of art music has been strengthened in relation to world of international commercial music.

The structure has been working for about a year and a half, and the State Music Council expect that it will develop further within the next 4-5 years. We look forward to learn what it will mean for the Danish music scene of jazz, rock and folk in the longer run.

From One Political Climate to Another – How Does It Affect Art?

BY MÁTÉ HOLLÓS

Composer and Director of Hungaroton Records, Hungary

In the early 80s, when I made attempts at fitting in the music scene, the feeling of mutual envy overpowered us at talks with Western European and North American colleagues. They easily had the money to travel to Hungary to be present at the performance of their works and to produce print-like scores by using the computer engraving and desktop publishing then still a novelty. We had state-supported music publishing, our concerts were organised by a state-subsidised concert agency and the middle-aged, established composers could safely rely on receiving commissions from different sources (the Ministry of Culture, the Radio, the national concert organiser etc.). Performing artists had also well-established conditions: many of them had the status of the soloist of the National Philharmonia that held hundreds of concerts all over the country, from concert halls to schools. As unemployment was officially excluded in general, it was impossible in musical life either.

The 80s, however, marked a trend of de-emphasising the interests of the Hungarian musicians. Proceeding towards a so-called “socialist market economy” made ever less allotment available to the community of artists. The downward trend ended in a radical change of the political and economic system which – how relative things may appear – made a lot of people see an unfolding of possibilities and a feeling of getting rid of restrictions. In fact, music publishing, record industry, concert organisation and artists’ management ceased to be monopolies; anybody could engage in dealing with one or another line of activities. Many an artist expected after the change in the political and economic systems that, having got rid of political controls, artists would be in a position to distribute the national wealth due to them in a self-governing manner.

However that part of the wealth suddenly melted into thin air as if it had been politics-dependent. Already in the first year of its being in office, the first democratically elected government started the musical institutions on the road towards privatisation. This appeared disquieting on the one hand and nurtured hopes on the other: will this perhaps be the road leading to the possibilities, which are open to our much-envied western colleagues?

Now let us have a look at the details, which put together a composer’s career as it is managed and accepted.

Commissions

In the previous decades commissions generally came from the ministry of culture, the Hungarian Radio and Television and the national concert organiser. The first two and the successors of the third no longer have funds at their command for the purposes referred to. Their financial difficulties are often so serious that even the making of recordings as well as concert organisation is

endangered. The local governments of the capital and some other cities or possibly orchestras managed by them may every now and then invite composers to create works. A major role of commissions has been taken over by the “Own composer programme” of the National Cultural Fund, which has helped bringing together ensembles and composers for purposes of the creation of new works. Sometimes competitions give an opportunity to discover new works: at the occasion of the Millennium the State Opera House arranged a domestic competition for writing operas and the Hungarian Composers’ Union an international composers’ competition for pieces for two pianos and percussion instruments.

Subsistence

Composing is not a job to live on. But it is to be questioned how much it isn’t? Composers often deal with teaching even in the West but the income they derive from it mostly provides a reliable basis not only for subsistence but also for the “self-management” of their own composers’ activity. There are much fewer opportunities nowadays than in the previous decades for composing incidental music (for stage and motion pictures). And it is not indifferent either what an income may be drawn by a composer. The amount paid for domestic commissions is usually lower than is customary abroad. And it is even more regrettable that – in adjustment to the limitation of users – royalties are also lower than in the more advanced countries.

Concert organising

The structure of concert organising has changed a lot after stepping to the new system. We have lost a great deal of concerts all over the country which were very cheap for the public, could popularise classical music and gave regular possibilities for performing artists to play and earn money. We have gained a lot of concerts since there are year by year more and more concert organisers – but the tickets for these concerts are significantly more expensive for the public, they are not organised all over the country in schools and cultural houses and the circle of artists is more narrow than before. As far as contemporary music is concerned, artists and organisers are rarely brave enough to include pieces of new music except for special series. In Budapest there are altogether five of this kind a year with four to fourteen concerts. Out of the capital there are not more than three contemporary music festivals (one of them specialised on electro acoustic music).

The Media

The Hungarian Radio has traditionally been the principal patron of contemporary music. Although we already mentioned the lack of the earlier commissions, we can summarise with satisfaction that week by week there are programs presenting a composer’s works, contemporary concerts are regularly broadcast from recording, there are lectures about and conversations with composers in specific programs as well as in magazines. For recordings to be achieved there is less and less money and this is even a bigger disadvantage for young composers. The productivity of H’EAR Electro acoustic Studio is, at the same time, to be welcomed.

The financial crisis of the Hungarian Television affects the musical programmes seriously. The termination of the TV's Music Theatre put an end to the domestic TV-opera, which had been a flourishing genre. In the last some years even the magazines have disappeared from the screen, which used to bring news about musical life including events of contemporaries, too. The future of the main public service television, the two-channelled Hungarian TV is a difficult question while the third public service channel, the independent Duna Television is just these days thinking to give up some of their earlier activities concerning musical programmes. The main problem of the Hungarian TV comes on the one hand from under-financing on the other hand from a media law that is full of basic mistakes. As regards commercial television companies, they fail to include artistic music in their programmes at all.

Publishing, record industry, selling music

In the first half of the 80s the only Hungarian music publisher, the state-owned Editio Musica Budapest (EMB) still brought out an annual 60 Hungarian contemporary compositions from solo to orchestral works. It concerned itself with the commercial distribution of those works as well as an expert promotion of their sale abroad. In the period preceding the change in the political and economic systems commercial marketing already came up against difficulties and the range of authors covered by the promotional activity were contracted, as was customary among capitalistic conditions in the West. The works willy-nilly transferred to the publisher for administration in the four decades of monopoly position began to remain irremovably "entrenched" in its catalogue.

In the process of privatisation Ricordi became the majority owner of EMB. With the intention of offsetting the decreasing chance of publishing for the contemporary and future Hungarian compositions and wanting to prevent an actual entrenching of old works in the catalogue, the general director of the State Holding Company, the then agency in charge of privatisation promised to use part of the privatisation incomes for the setting up of a foundation related to the publishing of contemporary music. The privatisation authorities undergoing a permanent change later refused to offer this money for such a purpose.

Just these months we are about to come to a positive end: the present cultural minister has decided to give a support to such a purpose. Even though we lost eight years and get nominally about the same amount of money as planned originally (which is much less in value taking into consideration the serious inflation of the time in between) but this is a decision of historical importance for the composers and music publishing, surely the most important and favourable decision that has been made in the last ten years concerning contemporary music.

In the process of the transformation of the previously existing systems several minor music publishers began to operate in addition to the EMB. Some of them concerned themselves with the regular publishing of contemporary music. The economic environment, in which they have to operate, cannot be always said to be enterprise-friendly. For instance, while they could have used the refunded VAT for the promotion of more productions – which were desirable for them in

view of their necessarily minor-scale sales – for a long while they got that money back with a delay of more than a year. Probably these conditions could have a role in the fact that most of these small companies either went into crisis or had to terminate their activity concerning contemporary music.

I am not at all proud but really sad to say that for the time being the only company, which regularly publishes contemporary music (besides EMB), is Akkord Music Publishers, of which I am a shareholder myself. It is a welcome fact at the same time that the National Cultural Fund provides a not big but yearly support for the publishing of Hungarian composers' scores.

The early 90s brought an absolute economic crisis to the record industry. The state-owned Hungaroton had to be faced with losing its almost monopolistic position through the liberalisation of the market. Establishing Hungaroton Gong Ltd for pop music in 1992 (using also private capital) and a year later Hungaroton Classic Ltd. meant getting out of that situation.

The privatisation in 1995 of the company having a vast archive at its command including the recording of 40 years of Hungarian composing made the firm get in Hungarian hands, thus commitment to contemporary Hungarian music is not so doubtful as if the firm had been taken over by a multinational concern. Thanks to the National Cultural Fund and to the sense of responsibility of other sponsors Hungaroton has been able to bring out year by year an increasing number of contemporary music CDs. In the last two years this number was 18 each year, which is more than twice as many as in the “good old” state-owned days when the standard of contemporary music was eight LPs a year. (In playing time this is at least three times as much even.)

Hungaroton Records (as a re-combination of the two limited companies) and the National Cultural Fund jointly plans to reproduce on up-to-date sound-carriers the most valuable recordings of the last some decades to be found in the archives of Hungaroton and the Hungarian Radio, while not forgetting about the latest works either.

The government official of the Millennium has also offered a remarkable support to release recordings of composers who have not reached a classical popularity yet (like Liszt, Bartók or Kodály) and are not contemporaries so they especially run the danger of being forgotten. They could rather be a discovery.

Besides Hungaroton there appeared another company, the Budapest Music Centre, which deals primarily with contemporary music. They are remarkably enough sponsored by the Ministry of Cultural Heritage.

The concerns about the trade of musical compositions affect the publishing of scores much more gravely than that of records. The distribution of phonograms – given that the popular ones sell quickly – is a business line expanding year by year. The same cannot be claimed of scores, which require special knowledge and sell slowly. Trading in musical compositions outside the capital collapsed with the winding up of the state-operated chain of shops. In a few towns score

trading is recovering, however, its successful unfolding is limited by uncontrolled photocopying. Publishers (and the authors whose works they promote) may attach hopes just to an efficient enforcement on the new provisions of reprography of the copyright act.

Societies, the representation of composers

The changing in the political and economic systems brought about the creation of various music societies instead of the Association of Hungarian Musicians, which had been the only collective organisation. One of the first to be set up was the Hungarian Composers' Union, which was joined by almost all composers who had been members of the Association. The membership increased year by year while due care was taken to screen the applicants professionally before admission.

The first four years of democracy sometimes entailed disagreement: some of the composers (and other musicians) became ardent supporters of the new government, which made others ardent opponents to them. These storms resulted in the decrease of the membership by six members, given that the statutes prohibit engaging in politics. Good relations between the Union and the outsiders have since been restored and it can now certainly be claimed that the Hungarian Composers' Union brings together all domestic composers also from more valuable kinds of entertaining music and lyricists.

Though the Hungarian Composers' Union decided not to join any of the umbrella organisations (the Hungarian Music Council and the Hungarian Musicians' Forum), the composers are present in both through filling leading functions in their different member organisations. The Union takes part in making decisions and proposals for the Cultural Ministry together with these two umbrella organisations. The composers are also represented in the Committee (supreme body) and the musical college of the National Cultural Fund.

Summary

Looking through the picture I have drawn, I would summarise the situation as follows.

The changes were important and basically favourable. Although the paternalistic government gave a solid financial basis and working-living conditions to artists who were not too bad in comparison with the average of people, all kinds of liberalisation and possibilities of private enterprise was a demand.

The breakdown of the old structure was as fast as possible while the building up of the new one was much slower. This has caused many difficulties and brought serious danger to arts including music.

There remained some important questions. Since Hungarian economics is weaker than the standard of the EU countries (think of the purchasing power, the lack of private donations etc.) the development of arts and musical life cannot be

expected without a strong government support while the dissemination of that support should mostly be the task of elected committees which represent the decision-making expectations of the professionals instead of politicians.

And finally a subjective notice, turning back to my beginning words of this lecture. I am just looking forward to meeting my western colleagues. Now I can say, I am not only in possession of a desktop but a real publisher is available to me. Let just one thing not to be mentioned: what finance is available for their desktop and for the activity of my professional publishing company!

The Market for Contemporary Art Music in Spain

BY ADOLFO NÚÑEZ

Composer and Director of LIEM, Spain

First I want to say that in my country composers cannot make a living just composing serious music. Maybe the average composer, if he is lucky enough, can get every year from author rights and commissions around EUR 2,000, the equivalent of four months the minimum legal salary (sueldo mínimo interprofesional).

Therefore I am going to talk about this very small market and I want to follow approximately the background paper (ERICarts 2001), which I must say is very clear and comprehensive. Moreover I am going to build the structure of my speech talking about the main customers and/or partners of composers: The State, the Autonomous Regions, the main author rights collecting company (SGAE) and the Composer Associations.

The State

There are four points I will comment: The Ministry of Education, Culture and Sports, the CDMC, RNE Radio Clásica, Tax and Social Security.

The Ministry of Education, Culture and Sports

The Ministry of Education, Culture and Sports supports and budgets for contemporary music were going up during the eighties until 1992 (the 500 years from the America Discovery and the Seville EXPO). After this date, perhaps because of the requirements to integrate Spain in the Europe economy, every year the budget for contemporary music was decreasing or staying equal (decreasing also because of inflation).

Also the Spain's State has been getting smaller and smaller, because of transfers of competencies to Autonomy Regions and because the sale of many State Companies or encouraging the private sponsors to cover the expenses of some public cultural institutions like museums, orchestras, etc. Even we hear periodically from politicians or influential personalities how good it would be to change the status of these cultural public institutions into private foundations.

Talking about more precise information, the INAEM from State Secretary of Culture, publish important calls every year for sponsoring projects of concerts, but most of them are aimed to companies, orchestras, institutions or associations in order to organise festivals or cultural events. They do not encourage particularly the creation or performance of new music (that is up to the organiser), except some years ago in which there were calls aimed to individual creators to compose new works. Perhaps in these calls the contemporary music is mostly absent because of the existence of the CDMC (Centre for the Promotion of Contemporary Music).

In general there is no particular policy on education in contemporary music nor for the general students at secondary school, neither for the formal training of professionals at conservatories.

CDMC

Regarding contemporary music the main policy of the Spanish State is the creation and maintenance of the CDMC (Centre for the promotion of Contemporary Music). This is the unique public institution in Spain specialised in the promotion of Contemporary Music.

In 1983 Luis de Pablo inaugurated the centre and two years later, with the following director Tomás Marco, it acquired full legal status. From 1983 the CDMC budget was increasing up to a top of around EUR 900,000 in 1991. From this year it decreased gradually and today is around EUR 650,000, however the activity has not decreased since there are more performers and composers every year trying to keep active.

In the last decade the CDMC activity in one typical year has been as follows: It has produced alone or together with other institutions 75 concerts in Madrid, 140 concerts in other places of Spain and 60 concerts abroad. All these mean around 900 works performed in concerts, 550 from Spanish composers and 350 from foreign ones, 80 first performances and 40 first Spanish performances. There are 24 commissions to composers of EUR 3000 each. There are also 8 Contemporary Music courses organised in Madrid and 9 in the rest of Spain. In Spain there are around 25 festivals every year and almost all have some support from the CDMC. This centre also organises two composition contests: for young composers (in collaboration with SGAE) and Works for Radio (in collaboration with RNE-Clásica). The CDMC also organises the Festival of Alicante, which is a nine-day event with roughly 22 concerts with 75 works played, 25 first performances (10 of them are commissions) and 14 Spanish first performances. The CDMC also houses the LIEM, a computer music studio available mainly for composers. Around 30 works are finished in part or completely every year, 5 of them from foreign composers.

There is also some software development for composition, carried out in collaboration with research institutions or independent developers. In addition LIEM presents 10 workshops or seminars every year and the same number of visits to LIEM facilities. It also participates in 30 concerts per year from the CDMC, introducing works that require electro-acoustic technology.

The director of CDMC decides the criteria about what to program, which artists promote and how to help creators. The general approach has been a balanced one in order to show as many different artists and aesthetic tendencies as possible, and at the same time the priority is to promote the Spanish Music. As we can deduce from the CDMC activity, most of its budget goes to cachet of performers to give contemporary music concerts, this has led to a situation where many more performers want to play new music and encourage (or even chase) composers to write new pieces for their particular group or ensemble. Therefore, now in Spain is rather easy for a composer to get his music played,

provided he does not ask for money and writes a piece for an imposed ensemble. Sometimes some performers, not interested in contemporary music, approach and get support from the CDMC to later make mediocre performances. Fortunately these cases are decreasing since the public in Spain is getting more educated and able to understand new music, and summarising we can say that from the inauguration of CDMC the quality of contemporary music performed in our country has significantly improved.

RNE-Clásica

This radio belongs to the State and offers 24 hour of classical music and is the only Spanish Radio to broadcast contemporary music, with the exception of Cataluña Música Radio that does the same but only in the Catalanian region. The RNE-Clásica records and broadcasts many contemporary music concerts (including the CDMC season completely) and broadcasts other recordings from published CDs or from other radio stations, mostly from the UER. But they only dedicate 2% of total time of broadcasting to contemporary music and normally at late night from 23:00 to 02:30 hours.

Taxes and Social Security

Composers in Spain do not have to include the VAT in their invoices, they only have to register at the Treasury Ministry as self employed professionals pay some income taxes, and send a report every three months, including a yearly final report. Scores have 4% of VAT and records have the regular 16% VAT.

The autonomous regions

The political structure of Spain today is almost federal with several regions, each one having direct competencies on several aspects of local policy. In culture in particular the competence is almost full and the policy in each region is different according to their priorities or in some cases it depends on the preferences or competence of culture advisors and administrators. In regions with strong nationalist claims as Catalonia or Basque Country the main policy is to promote local composers, especially in composition projects that make use of local language.

Due in part to the autonomy regions, the number of professional orchestras has increased dramatically in the last twenty years, each region having at least one high quality orchestra. This phenomenon of orchestras' proliferation was not connected with the real situation of classical music in Spain, in particular with the music education system that does not produce enough professionals to fill this market. Therefore most of the performers at the orchestras, above all string players, come from eastern European countries. In Spain there are every year 19 symphonic seasons in which the contemporary music takes 7% of total time of music. The number of commissions for orchestral works has increased lately but the local decision-makers do not take any risks and most of the commissions go over and over to a few well-established names.

SGAE

The SGAE is the main author rights collection society in Spain and from 1990 has increased very much its number of members including many composers from Latin America. Its ambition, which is almost fulfilled, is to become the main collecting society for the Spanish speaking countries. In a recent report the SGAE state that in the 1995-2000 period the total money distributed to its members have increased a 70%. But this optimistic situation is completely different for the average “serious music” composer affiliated to SGAE.

Talking about many colleagues I know and myself, in the last decade the money that we receive as author rights have been getting less and less each year, which is not compatible with the good situation with SGAE, and is also not compatible with the increase of performances we are getting every year as we grow older and more known. The less we can say is that SGAE is not allocating its efforts in collecting our small money from contemporary concerts or broadcasts but its focus is rather the big figures from commercial records, TV, movies or big pop music events. At the same time the SGAE is becoming like a foundation for helping its members. We could see this activity as an opportunity to open a way of compensation to the “poor serious music composer” but this is not clear, since they there spent much money in promoting selected pop music members.

For contemporary music in particular the SGAE gives primes for first performance of works, the money received depends on categories based on work duration and instrumentation, for instance a ten minute chamber work could get as much as around EUR 200 for the premier, but these categories for different graduation of primes are old fashioned or not completely adapted to the actual creative activity; in particular, there are no primes for premiers of electro-acoustic music nor for radio works. SGAE also helps composers and performers in trips and it finances institutions for organising concerts or releasing records and publishes books or catalogues about its members. Another activity that SGAE is looking forward to enter is the music promotion or even distribution by Internet, but this is still not working completely due to technical and legal problems.

Summarising, some serious music composers are starting to view the SGAE not much as a collecting agency of their rights but rather as a very rich customer or sponsor from which they can get some money sometimes. Even some of them do not care to declare their works in SGAE yet they go there to ask for sponsorship.

Composer associations

In Spain composers normally do not have the tradition or the willingness to get together in strong unions to pursue their rights against State, SGAE or other cultural institutions. The activities of Spanish composer associations rather take place organising concerts, publishing records and books or making promotion of its members. They get funds mainly from the State (INSEAM), the SGAE and the local administrations (Region or City). There are around 400 composers

affiliated to associations from autonomous regions like Galicia, Basque Country, Catalonia, Andalucia, Canary Islands, Baleares, Valencia, etc; and there are also a Spanish association, a Federation and several specialized associations for Electro acoustic Music, Improvised Music, etc.

Conclusions

In today's political and social situation in Spain, as probably in many other countries in Europe, it is a utopia to think that even a 10% from the total of composers could make their living just composing serious music. The activity of composing this type of music is motivated mainly for its own moral or aesthetic rewards, and it is directed mostly by the spiritual and aesthetic preferences of composers addressing a hypothetical public. The economic side is just a small money complement for composers who almost never get benefits if we think in the big amount of hours they have to dedicate to finish their works. In this paper we have seen the role and peculiarities from the main institutions that determine the Spanish Contemporary Music Scene, and we hope that if contacts and exchanges increase among different countries in Europe, we all can improve by learning from the experience and good practice in other places.

References and abbreviations

CDMC: Center for the Promotion of Contemporary Music, from INAEM.

ERICarts: Creative Artists, Market, Developments and State Policies, Visby 2001.

INAEM: National Institute for Performing Arts and Music, from State Secretary of Culture, Spain.

LIEM-CDMC: Computer and Electronic Music Laboratory from the Center for the Promotion of Contemporary Music.

RNE-Clásica: Spanish National Radio, Classic Music Program.

SGAE: General Society of Authors and Publishers.

UER: European Broadcasting Union

Copyright in Sweden – Challenges, Problems and Possibilities

BY ROGER WALLIS

Chairman, Swedish Society of Popular Music Composers, Professor (Multimedia)
Royal Institute of Technology (KTH), Sweden

We are at a watershed. Digital production technology and digital networks allow, in theory, for creators to choose their own short cuts to potential audiences. On the other hand, we can witness an increasing degree of integration of rights ownership and rights exploitation. Five major corporations control over 80% of both music publishing and recording activities. They are increasing their influence over distribution channels, both physical and virtual. The larger players are increasing their influence over the copyright regime – a legal framework which was introduced with the well-being of individual creators as its basis, is rapidly being taken over by corporations, even if traditional intermediaries such as copyright societies officially have the power.

What's more, even traditional forms of support for creative activities are waning. The stipend market is under threat. In the UK we can see how conflicts between those representing different genres has led to less support being available to more recipients. The traditional quality differences between forms defined via terms such as: art music, score music, popular or non-popular music, serious music etc. are questionable. Funds available via percentages of copyright societies' incomes are likely to diminish. State patronage is also likely to suffer.

The e-commerce potential for creators of music

So can the digital revolution be the answer for creators who wish to offer their achievements to a potential audience, whether or not the established commercial industry is interested?

In theory, the music industry should be a prime candidate for e-commerce. Consider the following characteristics of the music industry:

Production process: Input to the manufacturing process of the dominant physical products (recordings on CDs, printed materials) is already, as a rule, in a digital form. Digital distribution, in other words, should allow for the elimination of traditional manufacturing costs.

Production technology: High quality digital recording equipment is widely available at affordable prices. Digital sampling and simulation techniques have decreased producers' dependence on hiring the services of live musicians.

Distribution technology: Networks and associated software allowing the creator, in theory, to meet a world-wide audience are becoming more sophisticated as well as user-friendly. Peer-to-Peer file-sharing techniques such as those used in Napster, allow interested potential consumers to exchange samples of music at

will. The physical process of creating groups of fans (sub-cultures) in the physical world can, to a certain extent, be replicated in the virtual environment. Even if bandwidth constraints still constitute limitations of delivery speed and quality, the potential is there.

Music industry revenue sources: There has been a shift from tangible to intangible sources of revenue. In Sweden, for instance, over 50% of the music industry's net revenue came other sources than the sale of pieces of plastic as early as 1992, i.e. primarily from publishing and performance rights. More recent figures from one of the five major players in the industry, EMI, show publishing activities (generating revenue via exploiting or trading in Intellectual Property Rights assigned to EMI by composers) accounting for 17% of the EMI groups' turnover, but no less than 47% of net revenue in the year 2000.

Music industry roles: the traditional music industry value chain involves a number of intermediaries. It assumes that a writer creates a work of music, and assigns the right to exploit the work to a publisher. The publisher was originally part of the production process, investing in and distributing sheet music. A 50/50 revenue split with the composer was regarded as reasonable because of the publishers investment requirements for producing sheet music. The publisher would also seek to find artists and record companies willing to record and distribute the composer's works. Once a combination of work and artists had been decided, the record company would produce the recording, manufacture phonograms, promote the product and distribute. Income is generated from physical and non-physical sources. Mechanical Rights refer to moneys paid to composers and publishers when musical works are duplicated on physical carriers such as the CD. Performance rights provide income to composers/publishers and in most territories to performers and producers, when recordings are performed in public. The USA is the notable exception as regards the latter, though this could change with the introduction of the new US Digital Copyright Act.

Trends in the music industry value chain

Various trends involving the amalgamation of roles in the music industry value chain can be observed:

- 1) The combined singer-songwriter (an artist singing his or her own songs) is now the rule rather than the exception in many pop genres.
- 2) Sheet music production is no longer the core activity of most major music publishers – new software programmes for writing music have been adopted by most composers thus eliminating the need for a publisher who invests in a manual operation.
- 3) Many creative talents have achieved a high degree of IT literacy, leading to the emergence of the combined studio producer/writer role. Max Martin from Sweden, writer and producer of the majority of songs recorded by artists such as Britney Spears, is such an example.

4) Some publishers have moved gradually into traditional areas of record company operations, particularly that of A&R, i.e. the matching of repertoire with choice of artists. By building their own studios and contracting singer-songwriters to both write and record demonstration recordings, (which then may or may not be released and distributed by a record company) they have moved further up the value chain in the direction of the consumer.

So what should have/has happened?

The observations above suggest that a radical restructuring of the music industry is under way, one which will automatically enhance a shift in favour of the e-commerce visions noted at the start of this paper. Singer-songwriters and their studio producers should be able to bypass the established industry and find their own audience via the Internet (as long as they can make themselves known and heard in all the noise in this distribution channel).

But this has not happened. Everything is very much “business as usual”. Why is the music industry so sluggish – how is it that little or no discernible change is apparent in the value chain. In other words, why has not the combined power of creative initiative and audience curiosity led to a radical restructuring of the music environment?

The answer lies in the firmly defined divisions between those who are very successful (the super-star writers and performers), the medium sector, and those who have very little chance of economic success however much they create. All three have their place in a thriving music environment.

The copyright regime tends to support the super stars – it is much easier to identify use of such works than of less often performed works. A Top 40 radio station playing a small number of works per week is easy to analyse – the administrative costs for a copyright society to collect funds for creators and their publishers and distribute correctly are relatively modest. As soon as the output gets wider, where manual reporting is required etc, then the task becomes more onerous. Those who represent the top stars are hardly willing to accept high administrative costs for the second sector.

And as for using part of the income for the superstars to support creative activity amongst those who are unlikely to reach an immediate commercial market, then the pressure on support for such cultural activities becomes even less.

The so-called 10% rule for cultural deductions which allows copyright societies to deduct 10% from the income they generate nationally and use it for local cultural purposes has been attacked by the major music publishers as a “misuse of members funds”.

Vertical integration trends in the music industry

The problems stem from the restructuring of the international cultural industries. Via vertical integration, a small number of international conglomerates have been able to attain a position of what competition authorities in the EU refer to

as collective dominance. They control a large slice of the music industry value chain, notably record production companies, music publishers and even media distribution companies. Time Warner for instance is controlled by AOL and thus has access to the largest Internet Service Provider's customer base. It also controls a large chunk of the traditional physical distribution of music, as well as more traditional forms of electronic media such as radio, terrestrial and satellite TV and cable.

Vertical integration in the cultural industries seems to be an unstoppable phenomenon, even if regulatory concerns in both the EU and the USA stopped AOL-Time Warner's proposed purchase of EMI in the autumn of 2000. Other things, however change far more slowly.

Consider music publishing: the publisher's role in production has more or less disappeared. Few publishers devote a major part of their efforts to printing music. With digital developments, most music will be available as digital files – printers will print scores and parts – the publishers traditional role must change. At least one would think so.

But they continue to hold a pivotal role in the music industry value chain. Publishers still sign "life of copyright" contracts, valid as long as the composer lives plus 70 years. Many composers still sign so-called "50% receipts contracts". These contracts allow the publishers' affiliates in another country to deduct administrative costs as well as 50 % before incomes are returned to the home territory. The "home" publisher can then retain another 50%. The result is that 100 units of cash collected can diminish to less than 20 when the composer gets paid. The traditional music industry argument that 20% of 100 is better than 100% of nothing" is neither relevant nor acceptable in such circumstances.

Possible remedies

What should be done? I propose that composers must retake the initiative in the copyright world. Composers took the initiative when copyright collection societies such as SACEM in France or STIM in Sweden were formed. This is the only way to realign these intermediaries towards working for the creative community as a whole, and not for the interests of those who control the 8-10% of creators who happen to be super stars. The Nordic model where composers' organisations together with publishers control the boards of their national collecting societies is the most attractive model going.

Composers in the rest of Europe would do well to study the Nordic model, create their own organisations and demand influence over their own copyright societies – after all, without the creative input of the composers, the societies and the industry as a whole would have nothing to sell. Governments should support such moves.

Let us consider once again the opportunities provided by the digital world, and see what has happened, and what might happen

The Internet and related opportunities for distribution were greeted with horror by the major music industry players. Here was a distribution channel where they could lose control of their major investments in super star talent. One can sympathise with their concerns. But it also provided a huge opportunity for consumers to share music files, find out about new genres and creators.

New applications such as Napster allowed music lovers to swap favourite works. Napster was sued. MP3.com (which clearly stole music and made it available to reach a critical mass of consumers), was sued. The industry tried to stop such technologies via a pan-industry operation known as the Secure Digital Music Initiative or SDMI. SDMI flopped.

The parent company of one of the world's largest music companies, BMG, then bought a controlling interest in Napster. Another major, Vivendi-Universal bought MP3.com. Politicians in the USA have already expressed concerns about the emergence of a new type of monopoly power, linking Internet access and applications to the ownership of particular content.

CD sales had maintained previous levels fairly well throughout 2000. In the first half of 2001, a dramatic decrease could be noted (as with many other consumer products). The industry blamed this on piracy, with rhetoric which was highly reminiscent of the moral panic which surrounded the introduction of cassettes and home taping in the early 1980s.

Are we witnessing a situation of business as usual, with a few major corporations hedging their bets via a small sample of music super stars, and more or less in control of the new distribution networks? Or has the Internet and related digital technologies opened new ways for creators to meet potential audiences?

Copyright Collection Societies – essential intermediaries under threat

It would be naive to assume that creators (composers and performers) will be able to meet a potential audience for electronic versions of their works entirely without the assistance of intermediaries. Copyright collecting societies are essential bodies for composers, but their independence is under threat. They should function as independent, powerful, fair, transparent intermediaries between music creator and music user. Their independence is being eroded via the vertical integration trends already noted. Collecting societies negotiate with, amongst others, record companies and broadcasters. Societies represent composers and publishers, and it is not unusual for representatives of the major multinational publishers to have Board positions. A situation whereby certain influential members of the societies as well as negotiating adversaries are owned by the same conglomerate hardly enhances the collecting society's independence and strength.

Nordic collecting societies in the music arena have managed to maintain a strong position of respect and efficiency. Information technology investments have allowed them to maintain up-to-date data bases over works. The Nordic databases are themselves integrated into one virtual database. This facilitates the correct analysis of data regarding music usage, the essence of copyright management. They enjoy respect nationally and internationally. Such entities are essential for the well-being of all music creators.

Media access – a critical concept

Collecting societies could do more to facilitate financial dealings for creators who wish to avoid other traditional players in the music industry. But they cannot do everything. There is a lot of noise in the new distribution channels – some form of marketing will always be needed for creators to find an audience and vice versa. But the potential is there, IF, and only if media access is assured. Vertical integration, with the same corporation controlling parts of internet access, radio/TV channels etc as well as owning content, would seem to be the major threat to cultural diversification.

However, what remains of public service media seems to be going more and more commercial, offering a smaller and smaller range of choice (based on a belief that this is a prerequisite for survival). Rights ownership and rights exploitation are clearly becoming more and more integrated in the commercial world. Media access for the creator can be at risk! This should be THE vital issue for our policy makers (and of course for us creators as well).

Report Workshop Composition

BY PATRICIA ADKINS CHITI, Chairperson

FREDRIK ÖSTERLING and RAMON ANTHIN, Secretaries

The composition workshop, presided over by Patricia Adkins Chiti, and with Fredrik Österling and Ramon Anthin as secretaries, had thirty participants, 80% of whom were composers. The others represented national ministries for culture, theatres, symphony orchestras, musicians' unions and record companies.

The workshop began with the presentation of papers from the guest speakers, discussion and question time regarding these, and then a more general discussion on the state of the composer today, finishing with a series of suggestions for "good practices".

Papers presented

Steen Meier, Denmark

A new law in Denmark caters for the non-classical music industry i.e. jazz, rock, world, folk and pop-music. This law does not cover conservatories, orchestras and chamber music ensembles. As the result of the request from the musicians themselves, the financial contributions, available under this law, are used to support specific music programmes in clubs and community centres and should promote local or national production in order to contrast the almost total American domination of the music market.

Even though there is no evidence, at this early stage, that this scheme will increase the amount of Nordic music on Danish radio, one wonders why a similar promotional project could not be devised and applied to art music.

Máté Hollós, Hungary

Whereas until the eighties, the Hungarian State guaranteed fulltime occupation for all musicians (in all fields – composers and performers), the changes brought about by the first democratic government have introduced forms of self-determination (and freedom of choice) for all members of the artistic professions. However, the actual lower budget for the arts has meant that many of the infrastructures within the business, formerly easily and readily available for composers, now no longer exist. Access to the media is limited, the Hungarian radio, traditionally the most important promoter of new music, has limited the budget available for the production and presentations of new works, and this is, of course, dramatic for the young generation of composers.

While the record industry appears to be in expansion, the sale of music scores has collapsed. The third channel (cultural broadcasts) has a share of one percent for contemporary music, but does not give, or pay, commissions.

Adolfo Núñez, Spain

It is impossible for a composer in Spain to live from his/her work as a creator of music. The Spanish ministry for culture, education and sport has been cutting down on finance and contributions for contemporary music since 1985, and is now encouraging the transformation of state organisations into private foundations. The CDMC (Centre for the promotion of contemporary music) is responsible for commissions. However, it would appear to be easier for interpreters (rather than the composers) to find sponsorship for performances of new works, which means that composers must write without any kind of payment.

National and regional radio stations give only 2% of total playtime to contemporary music. The authors' society, however, gives special premiums for first performances of works and financial help for foreign travel, recordings and concerts.

Roger Wallis, Sweden

The copyright system in Sweden with its challenges, problems and possibilities was illustrated. Publishers/intermediaries between composer/record company and the music business have almost ceased the traditional production of sheet music. The hegemony within the business by the major companies, such as EMI, BMG etc, have put the performing- and copy right companies under considerable pressure.

Will the continued integration of rights ownership and Rights exploitation pose a threat to creativity?

The contributions made by our guest speakers were well discussed, and it was decided that a series of practical proposals would be drawn up; proposals which in part reflect upon the three key-note issues, and in part, upon the personal and practical experiences of the composers themselves.

The three questions dealt with

1) Threats or opportunities? Artists' experience with the new technologies

i) The new technologies facilitate the promotion of artistic exchange. These constitute a vast field of investigation for composers in terms of their creative and training potential. Because today's society is already an information society, as creative artists, looking towards the future, we wish to carve out a path for a new alliance linking ethics, technology and aesthetics.

ii) The advantages to be gained from European digital networks, electronic commerce, etc. should be made available to as many creators as possible. In this sense, we invite our national music councils to encourage, and support, the exchange of information between composers and all possible means of individual and collective promotion.

iii) It is crucial (in a market, dominated by multinational publishing houses) that the rules and regulations on how a collecting society is allowed to operate do not discriminate the small players (i.e. composers and independent publishers), and that equal treatment for all is guaranteed. The situation, in which small players are partly financing the big players, must be avoided.

iv) We believe that monies collected by the performing and copyright societies for works by composers who have been dead for more than seventy years, should be reinvested to promote and assist the experimentation, promotion, research and creative activity so necessary for today's new music.

v) The performing and copyrights societies are called upon to recognize the importance and role of research and experimentation by composers leading to the general development of new technologies, expressive techniques and artistic languages, which are then refound in the more commercial fields of music, or in electronic instruments.

This recognition in the form of a special tax on the products created could be put into a fund to aid further research and experimentation.

vi) We invite the European Union to encourage and undersign support for research and development by the composers themselves, enabling them to secure micro payments, or subscription style, web-based systems, for the distribution and promotion of publications and recordings by those who are not affiliated to major publishers.

Is it possible that the sixth framework programs could assist in the development of concrete alternatives providing for direct remuneration /royalty payments to independent composers and artists?

2) The artist, an odd fellow?

vii) We see, throughout Europe, that composers – in the classical sense – are unable to earn a living generated only from their musical compositions and performing rights.

In many countries, the music-generated income is well below national poverty level. Few countries in the union give creativity sabbaticals, stipends, worthwhile commissions, guaranteed number of performances of new works, finance for research, recording, promotion and production.

Furthermore, we have no figures and/or information relating to the following problems:

- Healthcare
- Maternity benefits
- Old age pensions
- Tax relief

How are these problems dealt with in the individual countries with the EU? How are these matters being dealt with at a EU level? Have they ever been discussed in relation to artists and creators?

Are Equal Opportunity Commissions and departments monitoring the specific questions related to women creative artists?

viii) We propose that a comparative study on the earnings of composers throughout Europe should be undertaken. We would like to obtain recognition of a composers' inevitably variable income. In most countries, composers, if they declare themselves as such for tax purposes, would appear to be members of a hitherto "unclassified" profession. (In some countries, they fall into the category of "atypical" workers.)

Composers are unable to obtain tax or VAT relief or reductions for the essential tools of their trade: instruments, repair and maintenance of, paper, computers, hard and software, copying costs, books, recordings, travel, tickets for performances, etc.

ix) According to the EU-directive paragraph six, (and related instructions), the reduced VAT-rates may not be applied to audio- and video material. The directive only allows the reduction for books, newspapers, medical products etc. This is a serious problem, especially in the music (and film) industries in the smaller countries, and cannot be justified from a cultural policy point of view. We suggest to the EU that equal treatment in this respect is essential.

3) What markets can do – and what they can't

x) We are convinced that creative artists should be involved in the design and implementation of European cultural policies in order to monitor changes in their own status and to play a more efficient role as advisors to governments and regional authorities.

xi) Artistic education should be introduced, and developed, at all levels of formal and non-formal education. The contribution of contemporary creators is an indispensable element in a strategy that must be defined together with all the principal actors in the European union. Artistic education should take into account musical culture, in all its diversity, bearing in mind that to-days students are tomorrows' audience (performers and creators).

xii) In order to sustain an environment for creativity and innovation we need infrastructures.

The number of composers is increasing every year. We know that there is a possible large audience, curious and willing to listen to, and participate in, new music, if a bridge could be built between the composer and the public.

In many parts of Europe financial restrictions, and cuts in public funding for the arts, are leading to a diminishing number of performing ensembles from

symphony orchestras and opera houses to string quartets and full-time professional chamber groups.

In an ideal world, these form a vital part of the composers' research and development environment. Composers must be able to hear what they are writing and it is essential that research and development projects bear this in mind.

A serious crisis is already in act: many countries including Ireland, Holland, Austria, Germany, Italy, and Spain have cut down on the number of radio programmes, opera houses, symphony orchestras and professional choirs that they can economically maintain.

Are we aware that many younger composers will never be able to listen to a work composed for a full orchestra in the traditional western sense?

Are we aware that the limitation imposed upon composers by restrictions regarding the number of instrumentalists or performers available, and the ever-diminishing rehearsal time that professional musicians are prepared to devote to the preparation of new music, constitutes a very serious threat to the artistic patrimony, and future musical heritage, of the western world?

xiii) Media access is diminishing. Rarely do we see composers on television: their inaccessibility as media objects may be due to the very nature of their work. It is quite clearly easier to promote a poet with a book in his hand, than a composer whose creation lives through a live performance. One solution might be the preparation of "brief videos" of new music.

Discussion in the Workshop underlined the diminishing media-space for new music. Preoccupation with audience shares, "Audi-tel", with the "back ground music syndrome" in radio, and the ever-dwindling space devoted to art music in magazines and newspapers, means that for many of today's citizens, the composer is "invisible or unknown" and has become an unknown quantity. To many of our children, the word "composer" is synonymous of someone from a long dead distant past.

xiv) Access to dissemination channels and therefore, to a potential audience, is of critical importance for creators so that they may develop an ability to interact with their environment, and to survive.

Any limitation of such access is a major threat to creativity. In the field of music, both the traditional channels (radio, TV, live performances) and the new technologies (digital networks) are of critical importance.

We fully appreciate the importance of compatibility between media content and media delivery. Not every musical experience in one physical or critical context can automatically function in every other media channel, but the basic principle of supporting a wide range of choice and access, subject to editorial independence, is vital.

The respected concept of public service distribution and production in Europe, must, therefore, be strengthened.

xv) Available quantitative data and a wealth of anecdotal evidence suggest that a major decrease of range of choice of music available on radio and television has already taken place in recent years, despite concurrent quantitative evidence underlining the major increase in creative activities.

We invite the European governments to reaffirm and reinforce the basic principle of quality and choice in all media supported by public funds, or subject to public distribution.

We invite our governments to work towards a pan-European system regarding factors such as: range of choice, media access, and the reflection of cultural expression in the media.

xvi) We propose that creative artists should have an annual European meeting, similar to this. We propose the creation of a European web site and a publication where we can see, for example, how PRS and copyright societies are being run in other parts of the EU, or how composers are coping with new technologies, obtaining recognition of their status for taxes and welfare, how it might be possible to lobby our governments towards a greater recognition of the importance of the Creative Artist in every national cultural policy, etc.

Supporting European Artists – Concluding Reflections

BY SVANTE BECKMAN,

Professor at University of Linköping and National Institute of Working Life, Sweden

“Most governments do not want to fund the arts to the extent that we as professionals can live from our work.”

Maureen Duffy

Having the privilege to round up the Visby seminar, I will not do that by trying to summarise all presentations and debates in it. The material presented in this report speaks for itself. Also the reports from the three workshops contain summarising accounts. In the first part of this I will pick up a number of general points raised in the seminar. The choice of points reflects my own interests in issues discussed in the plenary sessions. In the second part I will try to make a contribution to what Ritva Mitchell in her presentation called for, i.e. steps towards finding a conceptual frame of reference for comparing, more systematically, various art policy regimes in Europe.

I. Poverty, loneliness, copyright, the EU and other plights of European artists

The fact that even well established creative artists frequently have great difficulties in supporting themselves economically by their profession is at the core of the concerns of the Visby seminar. A corresponding principle that professional artists should in general be able to support themselves by the proceeds of their artistic work is often stated, e.g. in the UNESCO recommendation of 1980. Applying this principle in practice is not only a matter of political will but also a matter of the criteria for being a professional artist.

Who is a professional artist?

In all fields of the creative arts, there is a chronic oversupply of people seeking to establish themselves professionally. Also in all these fields there are, beside those enjoying or seeking professional status as artists, many people doing artistic work non-professionally, as a free-time activity, or on the side. There are always many more artists than those professionally sustained.

The need for developing criteria for being an artist, in the sense of properly belonging to a profession, arises partly from the artistic professions themselves and partly from the system of patronage. Commercial art markets do not care whether the artists sustained by incomes from them are professional in any other way than that there is an exchange of products and payments. The patronage system, however, needs to know how to distribute its favours and therefore it needs to know which artists are professional. It cannot support all the amateurs. The relevant criterion for being a professional artist can in this context obviously

not be that you live by professional market incomes, because then you would hardly be an object of patronage at all.

The criteria for distributing patronage are not only a matter of deciding which are professionals and which are not. As the resources for patronage, by definition must be insufficient to support all professional artists, in view of chronic oversupply, there must be a quality criterion differentiating between good professional artists worthy of support and not so good professional artists that should not be supported. On commercial art markets this problem of quality does not arise. If the product sells, then it has commercial quality. How this relates to artistic quality nobody needs to bother with.

In her opening speech Minister Ulvskog quoted the Swedish writer Anita Goldman saying that the greatest patrons of the arts are the artists themselves. This is indeed true. The question is whether it could be otherwise. The ethos of calling, personal commitment and playfulness explains at the same time the large proportion of amateurs, the over-supply of artistic labour, and the chronic economic difficulties of established professionals. In the long run this is likely to be true for any level of art market demand and of resources for patronage. If one endorses the principle that artists should generally be able to support themselves professionally, the criteria for belonging to a profession must be able to exclude most of the people that actually exercise the work.

The question of what to count as professional income is partly a matter of if patronage (grants, prizes, subsidies, etc) should be understood as professional income or not. It is also a matter of how large parts of the “supplementary” market incomes that most artists have, should be considered as yields to the artistic activity. Unemployment insurance payment can sometimes appear as concealed patronage, and could thus be counted as a form of professional income. If the principle of professional sustainability of artists refers only to market incomes that are direct proceeds from creative production in the proper profession of the artist, then it is fairly utopian, and, moreover, the principle is a little pointless considering the actual importance of patronage.

The question of which incomes should be counted as professional also involves the question of the delimitation of the professional activity. From the presentations of Jerzy Jarniewicz, Jane Simpson and Claudio Ambrosini it is clear that poets do more than poetry, visual artists do more than art works and composers do more than composing. Simpson argues that this is necessary because it is what makes life as a visual artist possible. Ambrosini argues that it is good and necessary because composers are first of all musicians working closely with other musical professions as well as exercising several of them.

Jarniewicz seems to say that poets should not only be poets and that it is sometimes preferable that their supplementary work is something different from poetry, because being a full-time professional writer often involves concessions to media culture rules that are harmful to poetic work. None of the three seem to endorse without qualifications a principle that poets, visual artists and composers should generally be sustained only by the lonely endeavours in their studios.

Copyright and other rights.

For creative artists, whose work by definition result in relatively lasting, objectified works of art (in contrast to some of the performing arts), the issue of copyright and akin rights is very important. The principal weight of the matter, in terms of social recognition of artist's contributions and rights, is sometime much bigger than its economic importance for the average artist, as only relatively few derive a large proportion of their professional income from rights.

As stressed by Jukka Liedes there is a long-standing conflict between the Anglo-Saxon tradition of copyright rules making them fully alienable on a market for trade in rights, and the Continental tradition stressing non-alienable Author's Rights. Another, equally conflict dimension exists between publicly and collectively owned rights on the one hand, and privately owned rights. This is tied also to the question of the general nature of artistic and cultural goods. Is it basically a private good or basically a public good? Here one could e.g. compare with the conflict in science between the traditional "communitistic" spirit stressing scientific results as public property and the interest in patent protection of modern research based industries. As with patenting law copyright legislation defines such rights as private for a period of time, while they go public when this period has expired. New art is private goods, old art is public.

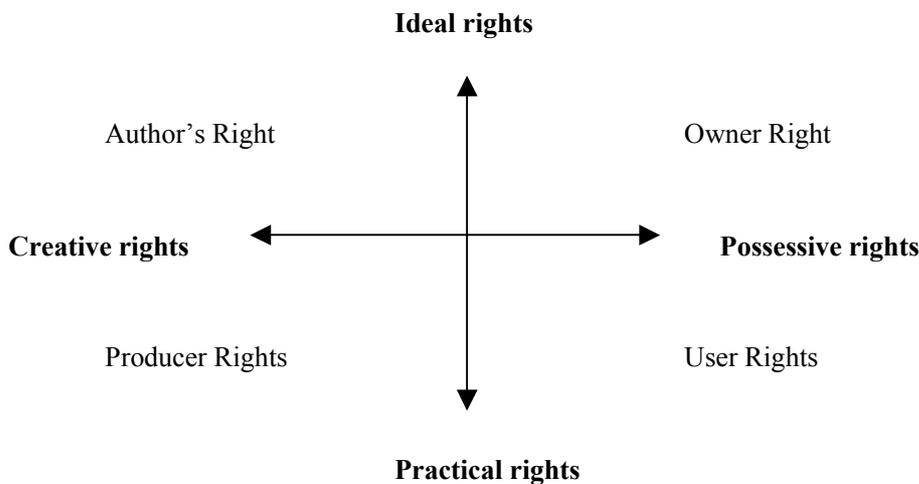
In several European countries the logic of the system of copyright originating in the Bern convention has been extended to systems of rights pertaining to the public use of products of art. Here we have the schemes of public lending rights, where authors are paid for the right of public libraries to lend their books, sometimes in proportion to the number of books, sometimes as a collective resource for re-distribution among writers in need of support. There are similar schemes pertaining to payments for rights of public display of works of visual arts.

Using rights to channel public funds to support creative artists has given rise to the often-discussed institution of right tied to the domaine public payant. Instead of stopping paying copyright fees when the rights expire, the State can pay for the free use of such works to a fund, which can be used for re-distributive

purposes among artists. Another scheme suggested by Claudio Ambrosini at the seminar is an institution of pioneer rights. The argument is that pioneering artists typically suffer the negligence of contemporary art markets, while their work often become cherished by markets and patrons at a much later date. From the point of view of the individual artist the economic gain from his or her work is in a more or less distant future. Instituting pioneer rights would, so to speak, move incomes of the future to the present where they are badly needed. Framing public subsidies of innovative and un-sellable art by a system of rights would underline the public recognition of the service that innovative artist do to future culture.

All copyright issues are bound to be full of conflict. In relation to products of art the following basic forms of rights must be considered:

Figure 1.



As seen, the map of rights differentiates between *ideal* right and *practical* right, on the one hand, and between *creative* rights and *possessive* rights on the other. Author's rights are indeed worthy of protection and this is central to art policy. But necessarily such rights must be balanced by due respect for the other three kinds of rights. Author's rights stand in logical contraposition to user's rights. The legal system must balance Author's rights as against user's rights. Author's rights may be strengthened at the expense of owner's rights. This is basically what the Continental tradition in the copyright issue wants to do. Anglo-Saxon type of copyright is in a sense just a kind of owner's right. But on a more general level also owners of works of art have legitimate claims to dispose freely of their property. Finally author's rights may be boosted in relation to

producer's rights. But also this is a matter of balance. The classical Marxist position that all rights (in the economy) are practical rights (in the sense of the model), and that the rights of producers (i.e. workers) should reign supreme (particularly over capital owner's rights) is as awkward as the position that author's rights should reign supreme in the economy of the arts.

The balance between author's right and producer's rights also concern the balance between performing and creative artists when they co-operate. In music, for example, there is a long tradition of discontent among performing musicians, that their creative role in the production of art is systematically obscured by the prevailing principle of author's rights in music. So rights in the arts is not a simple issue.

The meaning of the European Union for creative artists

It is not obvious what the European Union means for creative artists. A part of the point of this seminar is to find that out. Many artists seem prone to be quite suspicious of the EU. Creative artists typically combine a strong international professional orientation and a universalistic moral orientation. Europe, much less the countries of the EU, represent in their eyes a privileged area of reference and identification. Suggestions that artists should contribute to the building of the Union by creating a special brand of European Art and promote European cultural unity are likely to fill most artists with horror and contempt. That Article 151 of the Treaty protects the cultural sphere from harmonisation may be of little assurance, as the special conditions of artists are typically neglected in those spheres of economic and social policy where harmonisation is supposed to take place. As I will discuss below, the conditions of artists are not only matters of cultural policy. So while EU officially lacks an art policy, its policies affects the conditions of creative artists in many ways.

Minister Ulvskog assured us in her opening address that the motives for this seminar certainly were entirely in concord with the strong principle of subsidiarity in cultural policy stated in Article 151. I think that could be safely said. Particularly when said by a minister of culture from one of the Nordic countries. Here the strong public engagement in promoting arts and culture would be seriously threatened if Article 151 did not protect this sector from the strong Union principle of free competition and free movement of market flows. It is hardly a coincidence that it was Denmark that insisted on the inclusion of this article in the Treaty.

Quite another reason why the Visby initiative cannot violate Article 151 is paradoxical. In my view it is basically obscure what kind of "cultural diversity" this paragraph protects. Is it diversity in the "ethnic" sense of national, identities,

values, styles, traditions, etc? Or is it cultural diversity in the sense of the public service-principle in cultural affairs, i.e. assuring a rich and varied production of spiritual, artistic and otherwise cultural goods. While most artists would easily endorse the meaning of Article 151 in the latter sense, many would feel the strong ambiguity of the “ethnic” sense of culture. Also a growing number of European artists live in the diaspora as Pakistani writers in the UK or Turk visual artists in Germany. The interests of these artists seem to be systematically ignored however you interpret Article 151.

Organised artists lobbying for better conditions and subsidies may regard the EU with a growing interest. If culture in the form of the cultivation of land, i.e. farming takes about half of the Union budget, why should not the cultivators of the spirit, i.e. artist have their share of subsidies to? Candidating for the position as the farmers of the future might be richly rewarding for the European artists. Such idle thoughts aside, there is comparatively little EU can offer creative artists in terms of cultural programmes you can apply for grants from. The ones prevailing are largely irrelevant to creative artists and are figured on a bureaucratic scale alien to most artists. Whether the Union is mainly a threat, mainly a promising opportunity, or mainly a nonentity to creative artists remains to be seen.

II. Supporting artists: Why? Which? How? By whom?

A main rationale for the Visby meeting is the exchange of information on the various practises of supporting (and neglecting) art and artists throughout Europe. A wealth of such information has been presented particularly in the workshops as well as in the background report produced by ERICarts. We have learned much about similarities and differences in the conditions of creative artists, both with respect to national conditions and to the conditions of the three forms of creative art represented at the seminar. There are striking differences in the general conditions of artist in the north, the south and the east of Europe where the dramatic changes of conditions in the Central and Eastern parts in the past two decades stick out as particularly noteworthy. There are also striking similarities in the problems confronting creative artists in Europe as e.g. the small percentages of artists that can support themselves on a professional income, the difficulties in reaching the public, the inadequacy of legal systems to artists’ actual modes of work, and the ambivalence in reactions to liberalising political forces and to the exposure to commercial forces of a rapidly expanding global Experience Industry.

We have also learned how little we know of each other. A lot of systematic comparative research is obviously needed and considering the high rate of change in art supportive systems, meetings like this ought to be held regularly in

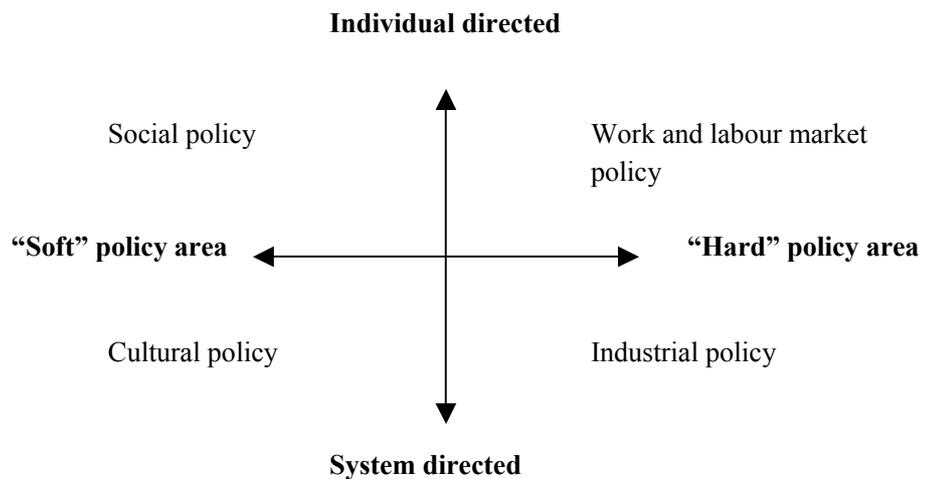
order to monitor the situation and in order to facilitate the transfer of new ideas and schemes for coping with it.

To make systematic comparison easier we need to single out the main dimensions in which supportive (and non-supportive) conditions of artists should be compared. Contributors to this seminar have taken many valuable steps in this direction. Here I will try to outline what I believe to be the main dimensions to consider. I focus on four questions: Why support artists? Which artists are supported? How are artists supported? Who (or what) is doing the supporting?

Why support artists?

Most contributions to this seminar take for granted that the general reason for supporting artists is because art is valuable and worth supporting. That means that the political context of art support is cultural policy. But obviously there are other contexts. If artists are supported because they are poor, which they typically are, then the context may be that of social policy. If artists are felt to be in need of support because of their particular relations of work, then it may be a matter of work and labour market policy. If the motive is a matter of justice and efficiency in terms of legal economic status, property rights, taxation, etc., then the context of support is that of economic and industrial policy. These four contexts of artist support can be ordered in the following way:

Figure 2.



If the motive is poverty and difficult relations of labour then the problem is individualised. It is the artist as an individual, not as an artist, that is in focus. If on the other hand supporting artists is considered with the motive to support art

or to improve the system of production, then the plights of the individual artist is irrelevant, as it is a concern for the social system that motivates support.

Social and cultural policy belong to what I call “soft” policy areas, with relatively low status and political weight, while work, labour market, industrial and economic policy are “hard” policy areas, commanding much more attention and weight. This is mainly so because they relate more directly to the production of wealth and to basic social conflicts over the distribution of that wealth.

The fact that you can frame the question of supporting artist in four very different ways is important. First, it entails that the conditions of artists are not only a matter of cultural policy in the restricted sense, and sometimes such conditions may not be a matter of cultural policy at all. It is a relevant issue on each of the four policy fields. Secondly, the way you motivate support affects directly both the kind of arguments pro et contra that are relevant, but also the kind of attention you can command. To the professional organisations of artists working for a general improvement of the conditions of their members, it is frequently more important to formulate motives for support in terms of the two “hard” policy frames, than the two soft ones, despite the fact that the problem of “incomelessness” pointed to by Minister Ulvskog, typically frames the short term problem of the individual artist as a matter of social policy. In general I think there is a trend towards formulating cultural policy in terms of industrial and economic goals, following on the global neo-liberal and neo-capitalist spirits of the time.

Third, the four policy contexts of support sheds interesting light on the question of subsidiarity in the EU and the ban on harmonisation of cultural policies in Article 151 of the Treaty. The conditions of artists are, as a matter of fact, already object of Union policy and harmonisation, but not as cultural policy but as social, labour, industrial, general economic and legal policy. So it seems all right to harmonise rules and institutions regulating the conditions of artists as long as you do not speak of it as cultural policy.

Supporting artists in order to support art is, however, the ruling traditional paradigm. You can pick that up from almost any cultural policy documents from all over Europe. Why, then, should art be supported?

One set of motives relates to the supposed intrinsic value of art. Art is constitutive of human spiritual development. The progress of art is an aspect of human progress generally. The beautification of the world and the enhancement of sensibility and expressiveness are goals in themselves.

Secondly, you can support art for the glory of patrons. This is the traditionally dominating motive; showing the dedication of patrons to higher values, ornamenting institutions like Nation, Church, State, Crown, Companies; legitimising power and class distinctions.

Thirdly, art can be worthy of support because it is a communal value, a public good contributing to democracy, freedom, identity, cohesion, participation, diversity, empowerment and other noble things.

Fourth, a modern type of argument for supporting the arts is framed in terms of the consumer value of art and public subsidies of art is here directly tied to arguments about market failures in cultural goods production. The market cannot bring such things like opera and art music concerts to the consumer and therefore this failure must be corrected. The sceptical companion to this type of argument is the theory that public art support is mainly a matter of subsidising elite group consumption.

A fifth type of argument, enjoying increasing popularity, is that supporting art is a means to economic development and growth. Supporting art can be seen as an input in competitive cultural industries; it is a kind of infra-structural investment that make regions attractive for habitation, work and investment; it contributes to the formation of general creative skills; and, as said, it may correct various market imperfections.

Art can of course be supported for no good reason at all. There are many old art supportive institutions that just keep on running on their accustomed tracks, motivated by their self-legitimising persistence. Much of the rhetoric of art policy smells of stale 19th century idealism. Also the vested interests of several art lobbies contribute to explain why we have art supportive systems. When collecting evidence of the motives for art support from various European countries the differences seem to be swallowed up by the heterogeneous wealth of sometimes inconsistent arguments. Over the years there is an accumulation of motives, and there are clear signs of notorious opportunism, in the sense of effortless shifting of motives when the conditions of the times change. One could also observe that the groups that have a primary interest in art support – the artists themselves – are made up of professional intellectuals exhibiting a creative talent for producing new motives for their own support.

Which artists are supported?

This is the second main dimension to be considered. It opens up to a battlefield of conflicting interests. Is it the professional artists or the amateurs? Is it creators of elite art that need support or is it popular artists? Is it artist working in relation

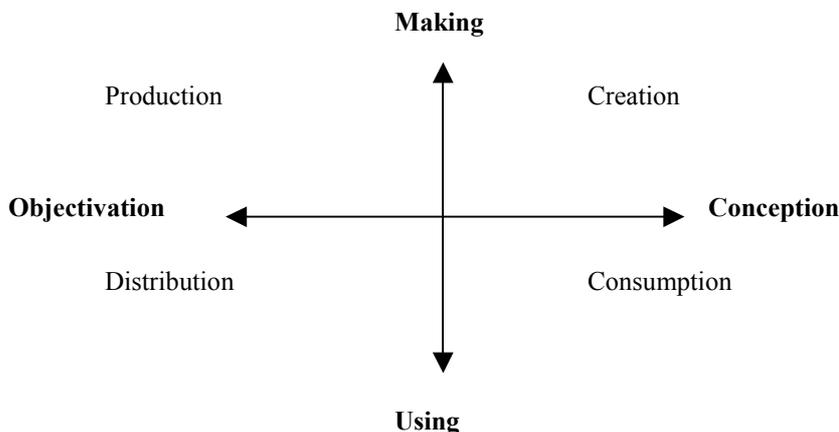
to established institutions of distribution or is it the outsiders that need support? Is it artists of the avant-garde or is it the more traditional forms of expression? Should support go to local artists, to national or to international? What about age, gender, ethnicity and other group properties; how should support be distributed between such groups? Should grants go to the poor old has-beens or to the poor young wannabes? Is it necessary to be commercially unsuccessful in order to qualify for public support? And what about the distribution of support between the different branches and genres of art? Do support systems prefer performing artists to creative artists? Are visual artists supported relatively more or relatively less than say composers?

How do you qualify as a professional artist? The demand that artists should be able to support themselves economically by income from their artistic work seems fair enough as long as you presuppose two things; that there are clear criteria for being a professional artist, and that the size of the group qualified as professional artists by such criteria stands in a reasonable proportion to the demand for their work. There are, however, basic features of artistic work that make both these requirements difficult to fulfil. One is that artistic work is done both professionally and as a free time activity. Another feature is that much artistic work is individually motivated by personal commitment and calling in a way that defies normal criteria of professional work and obstructs normal mechanisms of adaptation of the supply of artistic work to the conditions of demand. There is a strong tendency toward a chronic over-supply of work in all artistic fields and thus towards fierce competition for normally small prizes.

How are artists supported?

This is the third main dimension to be considered. In order to describe the supportive regimes more systematically we need a rough outline of the economic system of art. Here is my suggestion:

Figure 3.



Art is something you make and something you use. Making and using both have an objectified side tied to a form of mediation. It has also a conceptual side in realising and interpreting the meaning in what is mediated. Simplified in this way art involves four dimensions: creation, production, distribution and consumption. An improvising musician may be said to create, produce, distribute and consume music at one and the same time. But functionally these aspects can be sorted out and as an economic system the four components can be identified with different organisations and agents, as e.g. the literature system is composed of authors and muses tied to function of creation, publishers and printers tied to production, book-shops and libraries tied to distribution, while critics and readers can be tied to the function of consumption.

When describing the art supportive system of a country you can sort it out according to whether it is directed at the artists, at the production system, at the system of distribution or at consumption. National differences in the direction of support in this sense are big, and the question of how to direct support is also a source of perennial conflict in cultural policy. Countries with relatively well developed public systems of art support, like Sweden, will reveal complex patterns of support of all four components; as grants for authors, productions subsidies of publishers, distribution support for libraries and book-store and consumption support by subsidising the price of certain books and by training school children in reading literature.

1) Artist directed support

One type is directed at supporting individual infra-structural resources through tuition and training, travel opportunities, housing, networking, etc. A most important type is the one that relates to income. Here the market supports artists with ordinary professional incomes, while public institutions besides professional incomes also provides grants, awards, sinecures, etc. A middling form between market incomes and public grants are systems like the Public Lending Right, which in one sense is a form of subsidy, but as it is constituted as a right of compensation it also has the character of a market income. Further there are such incomes arising indirectly from your artistic work from readings and presentations, teaching jobs, complementary artistic jobs, etc. The existence of clusters of neighbouring occupations, which in combination can earn you a living, is vital to many artistic professions. But artist incomes may also be wholly unrelated to artistic work, as the bread-winning jobs they need to take in order to afford the exercise of their profession, the private fortunes of the 19th century gentleman artist, the benevolence of relatives, all kinds of social security systems. As to the last point one can note that in some countries and some art forms the economically most important way to support art and artists is through the social security system. In the theatre of many countries the unemployment system is an integral and economically vital part of the production systems. It

has been estimated that of the total public support of visual artists in Sweden more half come from the unemployment system.

Another way of direct support of artists relating to their income is by granting them a special legal status. For creative artists this has since the 19th century been tied to rules of copyright and author's rights. Public lending rights, various rights collection institutions are also tied to a special legal status. Many other examples like special entrepreneurial status, special taxation rules, special pension status, etc have been reported here at the seminar.

A fourth form for direct support of artists is as old as it is central. Here support is a matter of honour and recognition. It is central because being publicly recognised as of artistic worth is what most artists burn for. Prizes, honorary titles and memberships, representation in national galleries, board positions in councils and committees, admiring reviews in the media, big figures in the market, big professional incomes etc may all be understood as various indices of the overarching value of recognition. Stumbling blocks on the road to public recognition, like inefficient and exploitative middling organisations, coteries of establishment artists, sensationalist media and lazy, tasteless publics are what artists rage over.

2) Production directed support

Supporting production partly overlaps with the direct support of the artist. This goes for supporting materials, workspaces, technical equipment, subsidies of the acquisition of fine musical instruments, etc. Other production directed support might also affect artists directly when it has the form of investment subsidies and business support for entrepreneurs in cases when the artist legally is a self-employed businessman. Then there is a large variety of support in the form of subsidies of production costs of publishers, music producers, film producers, etc. This can be a matter of direct subsidies in advance of production, production loan guarantees, awards for quality products, etc. Most of these, often intricate, systems of supporting producers require systems of application and reviews involving many artists, thus a form of direct support of artists.

3) Distribution directed support

Here support systems focus on those who bring art to the public. In the forefront of public art distribution support we find a number of important institutions like operas, concert halls, libraries, museums, festivals, expositions, school, etc. Some of these are also involved directly in production so there is an overlap between production and distribution-directed support. This overlap also goes for such forms of support focussing on the international dissemination of art like subsidising translation costs, exports, representation at international festivals and fairs. Another important form of support that works through the system of

distribution is content quota rules in public or state supported cultural institutions, requiring a certain percentage of works distributed to be of a certain kind. This can be used in order to protect national or regional culture from external competition. In contemporary art music several countries use this method to support music that otherwise would not be played. Though content quota systems may be designed to support the system of production including artists, they may also be tied to support of consumption. The public service ideology of many public cultural agencies can be seen as a generalised public quota system. All relevant tastes, not only the most popular ones, should be made available to the consumer.

4) Support of art consumption and demand

This is the fourth principal answer to the question of how art can be supported. Here we meet public commissions and buying of art products like books, symphonies and sculptures. There are rules requiring constructors and builders to devote a percentage of construction costs to artistic purposes. There are buying quota systems but also variety of subsidies of demand by subsidising market prices, VAT reductions, favourable taxation rules when buying objects of art, etc. A very different form of supporting art demand is various systems for educating public tastes. This was once part of the public service concept of cultural policy in many European countries but has eventually turned a little old fashioned, as it entails that the taste of the public is not good enough for the political system. But at least children can still legitimately be talked of as being in need of education so the school system in most countries are important agents for keeping up demand for art products.

5) Support of other supportive institutions

Finally, there is a fifth form of support on the metalevel, i.e. support of supportive institutions other than those of production and distribution. The economically most important public art support of this kind concerns institutions of art education of art academies and centres. Voluntary associations, supporting artistic activities and interests receive public subsidies in several countries. Professional associations may be supported in various ways particularly by involving representatives of professional artists' associations in the administration of art policies. As noted earlier, the role in cultural policy played by these organisations differ quite radically between the North, the South and the East. Other important forms of support are directed towards legal arrangements conducive to the formation of collection societies, legal and financial rules pertaining to patron institutions, as rules of foundations, taxation of donations and stipends, etc. Some aspects of art policies relating to general legal frameworks belong here too.

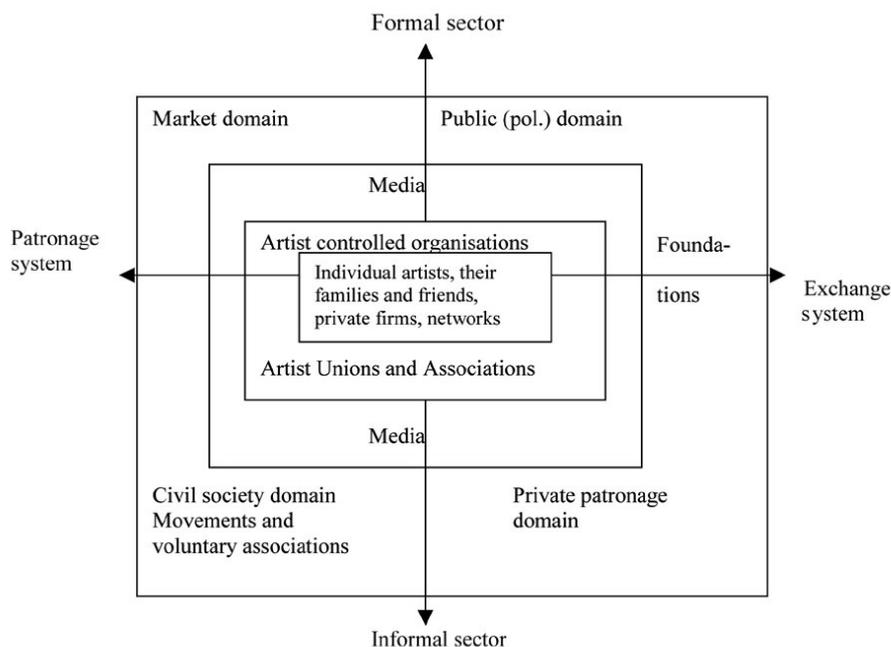
Who is doing the supporting?

This is the last of the main questions a comparison of art supportive systems in Europe must take account of. It not entirely easy to get a clear view of the general landscape of agents and institutions involved due to their complexity and variety. Having learnt very much more about these things at this seminar makes it even more difficult to get the clear view.

I will try, however, by mapping the supportive systems according to which domain of social regulation they belong. The central domain on this map is that of artists' self-regulation. Artists themselves and their families and friends, their net-works, their own institutions and companies, their unions and professional associations, etc belong to this domain where artists support themselves.

This domain borders on four other regulatory domains; that of markets, that of public institutions, that of private institutions of patronage and finally the domain of civil society with movements, networks and voluntary associations. Simplified the landscape of supportive agents thus looks like this:

Figure 4.



The self-regulating domain borders on the four "outside" domains. They are differentiated according to whether they belong to the formal or informal sector of society, on the one hand, and by the nature of the relation, on the other. In relation to the public political domain and to that of private patronage artists are clients of patronising relations. Vis-à-vis the market domain and civil society the artists stand in an exchange relation as producers, consumers and co-operators.

Between the self-regulating domain and the outside domains I have inserted "media". Here I mean "journalistic" media, not the medium or media definitional of an art. Media plays an important role, precisely of mediating between the self-regulative domain and the outer regulative domains.

It should be noted that the borders between these five (or six if you count the self-regulative domain as two, and seven if media is considered as a regulative domain of its own) regulative domains are all fuzzy. Foundations, for example, are part of the patronage system but they are sometime private, sometimes public and most often something in between. Private patronage when subsidised by tax deductions can be understood as public resources distributed by private agents. The border between the market domain and the public political domain is also fuzzy as for instance public buying on art markets. Public patronising of the arts often works via the market, and some publicly invented institutions, like lending rights systems, appear in the form of market exchange relations rather than as patronage. On the border between private patronage and markets you find sponsoring; and between private patronage and civil society support you there are societies of "friends" to art organisations.

Of particular importance is border fuzziness in relation to institutions designed to mediate between the domain of self-regulation and the other domains. One of the basic functions of artists' unions is certainly exactly this, particularly in relation to the formal sector, trying to improve exchange relations with market agents, and lobbying for patronage in relation to public domain agents. But there are many more mediating institutions. Most so called arm's-length bodies engaged in distributing public grants in Art Councils and Art Funds belong here, but also various artists' centre organisations engaged in exchange services, mediating commissions, work, products of art, etc between the market and individual artists.

In the model the self-supportive domain is depicted as containing two parts – the inner, individual domain and the outer, collective domain. This is important in several ways. One relates to being recognised as an artist. The market, the state, civil society and private patrons recognises a person as an artist by artistic exchange or by patronising gifts. Large sales, important commissions,

enthusiastic followers, and great prizes and rewards may be signs for recognition from “outside” society. The media recognise an artist by presenting him or her in the media. That recognition is often crucial for artists to reach out to markets and publics. This accounts for the love-hate relationship between artists and journalists and critics. But being recognised as an artist by fellow artists is frequently the most important thing for the individual. Being an artist is belonging to a self-recognised collective of artists. Much of the strife over such issues like that of quality vs. market success stems, I think, from a perennial endeavour of artist collectives to be in control of the conditions of recognition as an artist.

Being recognised as an artist by the artist collective is also of economic importance for the individual, in terms of the relation to patrons and markets. Wherever there are patronising institutions using artists as quality judges in distributing grants and other favours, there is a constant murmur from discontented artists that claim that cliques and coteries control the system and distribute the money only within their own ranks.

There are several uses for this model. First of all it allows a systematic comparison between countries according to the profiles of their art supportive systems. You can even plot graphically the relative weight of the different domains in supporting artists. You can notice the relatively big role played by the public domain in northern countries, the recent collapse of the completely dominating role played by the public political domain in the East under Communism. You can notice the much stronger role of the market domain in the big economies as compared to the small ones. You can notice the big relative importance of foundations and private patrons in the South as compared to the North, where the Gulbenkian in Portugal seems to be the extreme case. You may also notice the particular role played by the civil society domain to sustain non-established artists and new, exclusive forms of art, that neither markets nor patrons fancy. The samizdat literature of the former Soviet Union is an example of art entirely depending on the civil domain. Very little of the spectacular growth of pop music markets can be understood, unless you see how that global, heavily commercialised industry interacts with civil society youth cultures and underground music movements.

When comparing countries with respect of the domain of self-regulation at the centre of the map we can point to the comparatively strong position of artists’ unions in the Nordic countries with their long corporatist traditions, when compared to southern Europe with its weaker and much more fragmented union structure. The idea of this seminar that public art policies should be formulated in dialogue with the artists themselves will carry quite different a

meaning in different parts of Europe depending on the pattern of organisation of the artists themselves. Importing the Nordic Model may be especially problematic for many countries of Eastern Europe considering their recent experience with State-controlled art establishments.

Using the model for describing differences, similarities and trends in the over-all supportive system of various European countries will, I believe, also prove the truth of a quotation that minister Ulvskog used in her opening address to this seminar – that the greatest patrons of the arts are the artists themselves. This is perhaps not literally true, as it is odd to think of artists as having a patronising relation to themselves. But it is factually true. In a way, which is both grandiose and frightening, the social production of art and the reproduction of artistic skills still basically depend on the personal joys of creation and on the heroism of calling and sacrifice tied to the personal commitment of the individual artist to her or his work. This ethos is sustained by the strongly institutionalised idealism and public rhetoric of Art with a capital A. Artists are simply obliged to suffer, otherwise they would neither be able to do their work, nor sustain themselves, nor would they be recognised as true artists.

Final words

On that note I will end these reflections. Should the Visby initiative bear fruit in developing and advancing artist policies on the European scene, much lies ahead. Obviously a part of that future concerns intensified comparative research and close monitoring of the jungle of art policy institutions and schemes at work in different European countries. It is the relative marginality of art policy within each national political agenda in Europe that explains why so little of this has come about so far. Some countries can hardly be said to have an art policy at all, much less so an artist policy. With few exceptions, the most pervasive artist policy seems to be negligence.

Another part of the future concerns the strengthening of information exchange mechanisms allowing the different national art policy systems to learn from each other and be continuously reminded of the often quickly changing problem situations confronting the artists. That requires the direct co-operation of active artists in such a mechanism. This seminar has aspired to suggest itself as a possible model for that mechanism and, judging from the acclaim that it has been met with by its participants, this is indeed a credible suggestion.

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About the Authors/Speakers - CVs

Adkins Chiti, Patricia

Patricia Adkins Chiti, (Anglo Italian), President of the Fondazione Donne in Musica, (member of the International Music Council of UNESCO with a network in 84 countries), is a professional musician, artistic director and musicologist. She has world premiered and recorded over 200 new works, written especially for her voice, and as Artistic Director regularly programmes and commissions contemporary music. In the year 2000 the Foundation presented 400 contemporary compositions and in the first 6 months of 2001 has programmed 130 new works. She is married to Italian composer Gian Paolo Chiti. Patricia Chiti works with the Italian Ministry for Equal Opportunity and the Ministry for Heritage and Cultural Activities on behalf of women in the arts and culture industries.

Ambrosini, Claudio

Composer. Born in Venice in 1948, Claudio Ambrosini attended the conservatory (Ancient Instruments, Electronic Music, Composition) and university in his native city (M.A. in History of Music) and in Milan (M.A. in Linguistics). Also important to his development were his meetings with Bruno Maderna and Luigi Nono. He has received prestigious prizes, participated in major national and international festivals (such as the Venice Biennale, Strasbourg, Huddersfield, Avignon, Brussels, Warsaw, Munich, Helsinki, Montreal, New York, Chicago, Sidney, IRCAM, La Scala, Gaudeamus (Amsterdam), Mozarteum (Salzbourg), Gulbenkian (Lisbon), Akademie der Kunst (Berlin), Perspectives du XX siècle (Paris) etc.), and been granted commissions from several important European institutions and radios.

He has composed vocal, instrumental, electronic works, operas and ballets, all characterized by his extensive studies in instrumental research and by his personal style. His music has been conducted, among the others, by Riccardo Muti, Lev Markiz, D. Masson, P. Mefano, G. Nowak, Robert HP Platz, Y. Prin, S. A. Reck, Ed Spanjaard, M. Tabachnik. In 1976 Ambrosini began to take an interest in computer music at the Padua Center for Computational Sonology (CSC). Since 1979 Ambrosini has led the Ex Novo Ensemble and since 1983 also the CIRS, International Center for Instrumental Research, both of which he founded in Venice. In 1985 he was the first Italian composer to receive the Prix de Rome from France and to stay at the Villa Medici, the French Academy in Rome. In 1986 he was chosen to represent Italy at the UNESCO Paris Rostrum. Ambrosini has now completed a "Passion according to St. Mark" for the Rome Jubilee year and he is presently working on a new opera for La Fenice Theatre and the Venice Biennale.

Babacic, Esad

Esad Babacic is born on the 21st of July 1965 at 5.45 AM in Ljubljana. Although he lived very near the primary school, he was a latecomer most of the time. In the seventh grade he stopped going to school. He finished school later in evening program. His father could not bear to see his son doing nothing, so he sends Esad to work in a factory, where he was already working. Esad's life with poetry begins with a Tomaž Šalamun book found between old newspapers. Then

he felt it for the first time. In the factory he had written his first lines. Some of them have been published. This is how his wish for his own poetic book was born. At the beginning, he was writing texts for a punk group named VIA OFENZIVA, he singed for. Soon, some of the eminent Slovene's poets defined it as a "real poetry". In the year '84 he had to go to Titograd, Monte Negro to serve the former Yugoslav army for 13 months. After the Yugoslavia downfall Esad lost his goodwill to finish study of Croatian and Slovene languages. Besides writing poetry he started working as journalist on national TV. 1997 he played his first and hopefully not the last movie part in Slovene film OUTSIDER. At the moment he is working on the film about his father, finishing manuscript for his new book. He is playing basketball and getting ready to propose Regina. Books of poetry by Esad Babacic: KAVALA, Založba Lipa, Koper, 1986, MALEMU BOKSARJU, Cankarjeva Založba, Ljubljana 1988, ANGEL S SCUFANIMI KRILI, Emonica, Ljubljana 1989, THE LYING POET, Poetry Miscellany Chapbooks, Chathanooga USA, 1990, VETER V ŽILAH, Založba Taxus, Ljubljana, 1994, and BLACK JACK, Taxus, Ljubljana, 1994.

Beckman, Svante

Svante Beckman (born 1945) is an economic historian, professor of Technology and Society studies at Linköping University, Sweden, chairman of the newly set up interdisciplinary research department of Culture Studies ("Tema Q"), co-director of the national research program "Culture in Knowledge Society", former director of The Work and Culture Institute, a division of National Institute for Working Life in Norrköping. Current research interests concern the organisation of cultural work, artists' career patterns, cultural policy, museum studies, and artifact theory.

Capiou, Suzanne

Lawyer practicing in Brussels, lecturer at the Universities of Brussels (Belgium), of Metz and Paris III (France), in the field of author's right and neighbouring rights, specially applicable to audiovisual and multimedia sectors, and in the field of social and tax statute of artistic creators and performers. Expert for international and European organizations in the field of the statute of artists (ILO, UNESCO, European Commission, Council of Europe), she published some books and articles about intellectual rights, social and tax laws applicable to artists, and, as director of IEDA (Institut européen du droit d'auteur), collaborated to a CD-ROM "Droit d'auteur et droit voisins en Europe" (Brussels, 2001).

Cejpek, Lucas

Lucas Cejpek, born in Vienna in 1956, studied German and English literature in Graz, worked for the Austrian broadcasting corporation ORF, since 1990 living as a freelance writer and director of theatre- and radio plays in Vienna. Numerous books of literature since 1984: essays, novels, interview books.

Cliche, Danielle

Danielle Cliche studied communication theory and international comparative politics at the University of Ottawa, Canada. She is currently working for the European Research Institute for Comparative Cultural Policy and the Arts (ERICarts) and is co-ordinating transnational research projects on subjects

ranging from cultural policies in Europe, artistic and media labour markets and cultural diversity.

Courades, Jean-Michel

Principal administrator, Unit Culture: Policy and framework programme, Education and Culture Directorate-General, European Commission. Studies: Institut d'Etudes politiques de Strasbourg 1976-80, Collège d'Europe 1980, Ecole nationale de l'administration territoriale, Angers 1984-85. Professional experience: 1983-1987 Head of Unit at the Social Affairs Department - Ville de Lyon (France), 1987-2001 European Commission (1987-1988 DG Social Affairs; 1989-1991 DG Industrial Policy; 1993-1999 DG Environment; 1999-2001 Education and Culture). Spoken languages: French, English and German.

Coffey, Stella

Stella Coffey is chief executive of the Artists Association of Ireland (AAI), an organisation of professional visual artists. Her range of involvement at European level has included being a board member of the European Forum for Arts & Heritage (EFAH), a member of the Council of Europe's team of examiners in its review of Slovenia's cultural policy, and chairing the inaugural meeting of the European Council of Artists. She completed an MBA in 1998 with a major research project on the visual art market in Ireland. Her focus on organisational development in arts organisations has resulted in the gestation of a number of challenging initiatives, some of which are bearing exceptional fruit.

Duffy, Maureen

Maureen Duffy is the author of 28 published works of poetry, fiction, biography and other non-fiction as well as plays for theatre, television and radio. She is a founder member of the campaign for Public Lending Right in the UK and of the authors' collecting society ALCS. She is a past chair and president of the Writers' Guild of GB and is currently vice president of the British Copyright Council and the European Writers Congress.

Hollós, Máté

Máté Hollós (born 1954 Budapest) composer, president of the Hungarian Composers' Union, managing director of Hungaroton Records Ltd., artistic director of Akkord Music Publishers, member of the leadership among others of the copyright society Artisjus and the Association of Hungarian Music Publishers. Many of his works are commissioned from and performed in various European and American countries including Piano Concerto "Oxfordian" commissioned at the 50th anniversary of the United Nations from the UK.

Holvast, Bert

Bert Holvast, director Federation of Artists Organisations in the Netherlands, an umbrella organisation of 20.000 actors, authors, visual artists, musicians and composers.

Jarniewicz, Jerzy

Born in 1958. Polish poet, literary critic and translator. Author of six collections of poems. Editor of the literary monthly "Literatura na Swiecie" (Warsaw), regular contributor to "Gazeta Wyborcza" and "Tygodnik Powszechny". He has published extensively on contemporary poetry in various literary journals,

including “Poetry Review”, “Irish Review”, “Krino”, “Arete”, “Agni”, “Cambridge Quarterly”. His critical book (written in English) “The Uses of the Commonplace in Contemporary British Poetry” (1994) dealt with the poetry of Philip Larkin, Douglas Dunn and Craig Raine. “Attendance Sheet. Essays on Modern British and Irish Fiction”, which included interviews with Salman Rushdie, Martin Amis, Ian McEwan and David Lodge, was published last year. He has translated the work of many contemporary writers including Seamus Heaney, Umberto Eco, Craig Raine, Christopher Reid, Philip Roth, Nadine Gordimer, Edmund White, and Raymond Carver. He is a lecturer in English at the universities of Lodz and Warsaw.

Krastina, Sandra

Artist, Latvia.

Liedes, Jukka

Special Government Adviser, Director of the Culture and Media Division, Ministry of Education and Culture of Finland. Main areas of responsibility: Intellectual property (copyright); audiovisual services, information society policy, public libraries, culture. He is or has been chairman of various bodies in the EU, WIPO, Council of Europe, Nordic Council of Ministers, and he is the chairman of i.a. the Government Copyright Commission and the Finnish Copyright Society.

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PLD of Sociology of Culture. Senior Researcher of the Instituto de Ciências Sociais, University of Lisbon - Portugal. President of the Observatório das Actividades Culturais (Lisbon) and Member of the Consultative Council of the Portuguese Association of Sociology.

Martinkus, Vytautas

Vytautas Martinkus, born in 1943, is a prose writer, an essayist, associate Professor at Vilnius Pedagogical University, President of the Lithuanian Association of Artists, author of ten books and numerous articles on literary criticism and philosophy.

Meier, Steen

Steen Meier, born April the 20, 1948. Educated within Music Science (University of Copenhagen), Music Teacher within High Schools, Conservatories & Music Schools. Musician and Composer within Jazz and Rock. For many years chairman in different organisations within the music field. A central player in the preliminary work for the law to secure the scene of Jazz, Rock and Folk Music. Member of The Danish State Music Council since Oktober the 1. 1999.

Mitchell, Ritva

Ritva Mitchell is Head of Research at the Arts Council of Finland; President of CIRCLE-network; President of EricArts; Former programme advisor at the Council of Europe (1992-1997); Member of the Orientation Board of the European Diploma of Cultural Management; Lecturer at the Sibelius Academy of Music, Helsinki; Lecturer at the University of Jyväskylä. Has written a

number of books and articles on cultural policies and cultural development in Europe.

Nollas, Dimitris

Dimitris Nollas is a writer, (National Prize for short story 1983, National Prize award for novel 1993) born in 1940 in Northern Greece, who earns his living by writing articles in newspapers and magazines. Eventually he writes scripts for TV and film (co-author with Theo Angelopoulos of his film “The beekeeper”).

Nordgren, Sune Greger

Born in Lund, Sweden in 1948. 1969-1974 Forum School for Graphic Art, Malmö and studied Economic History and Art History at Lund University. 1975-1990 Editor of Kalejdoskop Review for Contemporary Art and publisher of art and artists’ books. Illustrator and graphic designer of books on art, poetry and politics. 1980-1986 art critic at Dagens Nyheter (daily paper) Stockholm, Swedish radio and several art magazines. 1986-1989 editor/producer of weekly arts programmes for Swedish television. 1990-1996 director of Malmö Konsthall – curator of several exhibitions of modern artists. 1996-1998 founding director of IASPIS – International Artists Studio Programme in Stockholm, Sweden. From 1998 to date founding director of BALTIC, Centre for Contemporary Art in Gateshead, England.

Núñez, Adolfo

Adolfo Núñez (Madrid 1954), studied in Madrid and Stanford University graduated on Composition, Computer Music, Guitar and Industrial Engineering. His music compositions have received international prizes and commissions. He is the director of LIEM-CDMC (Computer and Electronic Music Studio from the Center for Promotion of Contemporary Music, Ministry of Culture, Spain). He has written the book “Informática y Electrónica Musical” (Ed. Paraninfo).

Ruzsniewski, Irène

Visual Artist, Deputy secretary general of the Visual Artists Union, France.

Simpson, Jane

Visual Artist, born in 1965. Lives and works in London. Part Time Professor, Kungliga Konsthögskolan, Stockholm. Fundraiser and studio holder at Cubitt Gallery and Studios, London. Solo exhibitions e.g. in London, Göteborg, Madrid between 1993-2001. Selected group exhibitions in Mexico City, London, New York, Milan and Berlin between 1993-2001, as, for example in the exhibition “Sensation”.

Sundström, Maria

Visual artist, works mainly in mixed medias. Born in Ödeborg, Sweden in 1961. Lives and works in Umeå. Attended the Academy of Fine Arts, Umeå University 1989–1994. Has along with her artistic work been engaged in several tasks in connection to the conditions of Swedish artists’ such as being a member of The Arts’ Grants Committee, Konstnärsnämnden, The Swedish Joint Committee for Artistic and Literary Professionals, KLYS and IAA, International Association of Art, Europe. Has since 1999 been the President of The Swedish Artists’ National Organization, Konstnärernas Riksorganisation (KRO).

Söderström, Jesper

Jesper Söderström, born 1966, has since 1999 been the Managing Director of the Swedish Authors' Fund, the Public Authority that administers the Public Lending Right in Sweden.

Vaz da Silva, Helena

Helena Vaz da Silva was a professional journalist for many years, has held several responsibilities in the cultural field, at national and international levels, was an MEP (94/99), is now president of a private cultural institution in Lisbon – Centro Nacional de Cultura.

Wallis, Roger

Chairman, Swedish Society of Popular Music Composers, Professor (Multimedia) Royal Institute of Technology (KTH), Sweden.

Wiesand, Andreas Johannes

Andreas Johannes Wiesand, born 1945, completed studies in politics, communication and sociology at Berlin and Hamburg Universities with a Ph.D. He worked first in broadcasting, with Rowohlt Publishers and at DER SPIEGEL. Since 1972, he directs the Zentrum für Kulturforschung in Bonn (until 1988 with Karla Fohrbeck), acts as Secretary General of the European Research Institute for Comparative Cultural Policy and the Arts (ERICarts) and is professor for arts administration at the State College for Music and Theatre, Hamburg. Prof. Wiesand specializes in surveys related to the professional and social situation of artists and writers, conducts empirical studies on European and international cultural development and writes about political, economic or legal issues in the arts or media fields; he is author, responsible editor or co-author of ca. 40 publications (among them “Der Künstler-Report”, 1975; “Literaturförderung im internationalen Vergleich”, 1981; “Kunst ohne Grenzen? Kulturelle Identität und Freizügigkeit in Europa”, 1987; “Handbook of Cultural Affairs in Europe” 1985, 1995 and 2000). He served as chairman of the board of the copyright licensing society “Bild-Kunst”, as Honorary Secretary General of the German Arts Council (1982-93) and in similar voluntary positions.