



EUROPEAN COMMISSION

Employment, Social Affairs and Inclusion DG

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

**SECTORAL SOCIAL DIALOGUE
COMMITTEE
LIVE PERFORMANCE**

MINUTES MAIN WORKING GROUP MEETING 19/03/2013

Chair: James Shuman (EAEA)

1. Opening of the meeting – Approval of the draft agenda – Approval of the draft minutes of the meeting of 4 December 2012

The draft agenda was approved. At the request of the workers' delegation, a point on the VAT issue in Spain was added under AOB.

The draft minutes of the meeting of 4 December 2012 were approved.

2. Update of EU developments

Stefaan Ceuppens (SC) provided an update on EU initiatives with relevance to the employment and social domain, including: the conclusions of the European Council of 13-14 December, and notably the reference to "the social dimension of the EMU, including social dialogue"; the Youth Employment Package that was adopted on 5 December; the Social Investment Package, adopted on 20 February; the EU Skills Panorama that was launched on 7 December; the upcoming creation of a new SSDC for the Graphical Industry.

He also updated the committee on the preparation of the calls for proposals for supporting European social dialogue, on the (failed) negotiations on working time and the (requested) transposition of two 2012 sectoral agreements into EU law, and he drew the attention of the delegates to new DG EMPL publications and a public consultation.

See the presentation in [annex](#).

3. Mobility

a) Task Force on Highly Mobile Workers

Fleur Veltkamp (FV) explained that a task force involving several Commission departments was set up in 2012 to identify and analyse the various obstacles that highly mobile workers such as artists face. She presented the task force's mandate, objectives and scope, as well as its methodology. The first product of the task force will be a Commission Staff Working Document, to be presented by mid-2013 (see the presentation in [annex](#)).

Responding to delegates' questions, FV added that: the first phase of the task force's work involves only (6) Commission services, establishing an inventory of existing material (reports, statistics,...) aimed at making a preliminary identification of the main obstacles to mobility; in a second phase, in which Member States and other stakeholders will certainly be involved, it will be examined how these obstacles can be tackled.

FV invited the social partners, who welcome the Commission's acknowledgement of the issue, to provide any contribution they may consider useful in the context of the first phase.

b) Travelling to the USA: visas for artists

Daniel Csorgo (DC) provided an update on the issue at hand, explaining that no significant progress has been made since the previous presentation of DG HOME to the committee. With regard to the US, the focus of the Commission is to reach full visa waiver reciprocity, which is not the case yet for BG, RO, CY, PL, while in the area of the visa policy in general, the Commission is working on a proposal with a view to the modification of the Visa Code aiming at facilitating the entry of third country nationals to the EU – which is notably a priority in the context of the crisis. The problem of long-term touring companies which include third country nationals is being examined (cf. the limit of 3 months in a 6 months' period) and a new type of permit is being considered for these cases.

Diane Widdison referred to the constructive talks with the US Embassy in the UK and expressed the social partners' expectation that the Commission would work towards making this type of "local" arrangements more structural and permanent. Other delegates also urged the Commission to address this issue, which is a major concern for European artists *and* their employers.

Social partners suggested writing again to the European Commission on this matter, as they did not receive a reply to the letter sent in 2009.

c) Travelling with musical instruments

Frank Laurent and Noura Rouissi informed the committee about the state of play of the revision of Regulation (EC) 261/2004 on air passenger rights and of Regulation 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air – the latter transposing the Montreal Convention into EU law¹. The Commission's proposal of 13 March for the revision of the latter Regulation includes new provisions regarding the transport of musical instruments.

The objectives pursued with this proposal are: to create transparency for musicians as regards airlines' policy, and to ensure that instruments cannot be refused on grounds other than safety and technical specificities of the aircraft.

The social partners welcomed this breakthrough and thanked DG MOVE warmly for having taken account of their concerns – even if they have a number of suggestions to further improve the text.

A first presentation of the package to the European Parliament was to take place on 19 March (the same day as the SSDC meeting). The process leading to adoption of the revised Regulations is expected to take 1 to 2 years.

¹ [http://europa.eu/rapid/press-release MEMO-13-203_en.htm](http://europa.eu/rapid/press-release_MEMO-13-203_en.htm)

In the meantime, the social partners will continue their exchanges with DG MOVE in order to assess the feasibility of some further suggestions regarding the proposed provisions.

d) Double taxation of artists when performing abroad

Anita Debaere (AD) explained the issue and the related resolution of Pearle* of 24 November 2012 regarding the 2010 OECD Discussion Draft to update Article 17 of the Model Tax Convention (see [annex](#)).

Although the ultimate goal is to abolish the article in question, other alternative solutions can be envisaged in the meantime. Pearle* would welcome the trade unions' support in this respect, amongst others in lobbying national governments and the European Commission.

It was agreed that Pearle* would share its resolution with the trade unions, including its response to the draft commentary of the OECD², for better understanding of this complex issue. The point will be kept on the agenda of the committee.

4. Health & safety

Dominick Luquer updated the committee on the joint project for the development of an On-line interactive Risk Assessment tool (OiRA) for the sector. The first project steering committee meeting took place on 1 March and an external expert has been chosen.

After an exchange on possible options, it was concluded that it would be envisaged to hold the next project steering committee meeting in Bilbao (at the OSHA premises). In the context of the discussion on the 2014 work programme, it will also be considered whether to organise a dedicated working group meeting of the SSDC in Bilbao. The suggested purpose of this meeting would be to discuss with OSHA about how best to raise awareness about the OIRA tool among social partners and relevant stakeholders, in view of a possible new EU project to that purpose. If this idea is confirmed, a request in that sense will have to be made to the Commission.

The objective of disseminating and promoting the tool could also be pursued through a follow-up project.

5. Education & training

a) Feedback on the follow-up to the European sector skill council project

Johannes Studinger informed the committee of a recent informal meeting with the Commission services. It provided representatives of the LP and AV SSDCs with an opportunity to express their concerns regarding the possible next phase of the SSC project.

It was agreed that the secretariats will draft a first proposal for a follow-up project, subject to the framework that is to be proposed by the Commission, for approval in June, if possible.

² <http://www.pearle.ws/en/positionpapers/detail/49>

b) ESCO – state of play

After a reminder of the objectives of ESCO, AD informed the committee that the Commission issued a call for applications to take part in the reference groups one month ago. Pearle* and the EAEA will send a message to the Commission service concerned to support the committee's candidates. This first meeting of the reference group on the culture sector will take place in April.

6. Social dialogue

Thomas Dayan (TD) reminded the committee of the two separate capacity building projects of employers and workers that took place in 2011-2012. For the trade unions, a key issue is the problem of defending the interests of cultural workers who do not have an employment contract – among others due to the lack of information/statistics on this group. The trade unions would also be interested to further develop social dialogue in countries where new employer associations have been created recently.

Employers confirmed that they are open to joint work in this domain, although the precise angle and objectives remain to be specified. It was agreed that the secretariats will be in touch in order to give orientation to a more elaborated proposal by the next meeting of the SSDC.

7. Representativeness study

It was noted that the final version of the study on the LP sector does not identify real issues regarding representativeness of the European social partner organisations of the LP SSDC³.

8. AOB

TD reminded the committee of the Spanish VAT issue, as well as the important budget cuts in the cultural sector. He informed the committee of an awareness raising concert on 22 March in Barcelona⁴.

SC drew the attention of delegates to the deadline of 1 month for submitting missing documents of reimbursement files – which will be enforced in a strict manner in the future.

Annexes

- Point 2 – Presentation ongoing activities in the field of employment and social affairs
- Point 3a – Presentation Task force on highly mobile workers
- Point 3d – Pearle* resolution on double taxation

³ <http://www.eurofound.europa.eu/eiro/studies/tn1202038s/index.htm>

⁴ <http://todossomosmusica.wix.com/todossomosmusica#>

Annex: List of participants 19/03/2013

<u>Employers</u>	<u>Workers</u>
<p>Pearle* Ms Catherine BAUMANN (FR) Ms Alexandra BOBES (FR) Ms Joëlle BOULLIER-DEBUF (FR) Mr Momchil GEORGIEV (BG) Ms Anita DEBAERE (EU) Mr Sébastien JUSTINE (FR) Mr Julius KLEIN (SK) Mr Mark PEMBERTON (UK) Mr Zdenek PROKES (CZ) Mr Tommi SAARIKIVI (FI) Ms Ilka SCHMALBAUCH (DE)</p> <p>11 employers representatives (5 women, 6 men) (1 EU, 3 new MS, 7 old MS)</p>	<p>EURO-MEI Mr Johannes STUDINGER (EU)</p> <p>FIA Mr Paul William FLEMING (UK) Mr Dominick LUQUER (EU) Mr Maciej PACUŁA (PL) Mr James SHUMAN (FR)</p> <p>FIM Mr Thomas DAYAN (EU) Mr Patrick DESCHE (FR) Mr Leonard-Octavian PADURET (RO) Ms Diane WIDDISON (UK)</p> <p>9 workers representatives (1 women, 8 men) (3 EU, 2 new MS, 4 old MS)</p>
<p style="text-align: center;"><u>European Commission</u></p> <p style="text-align: center;">Mr Stefaan CEUPPENS (EMPL.B.1) Mr Daniel CSORGO (HOME.C.2) Mr Frank LAURENT (MOVE.D.4) Ms Noura ROUISSI (MOVE.D.4) Ms Fleur VELTKAMP (EMPL.B.4)</p>	