



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 PLENARY MEETING 13/01/2015

Chair: Rolf Bolwin (Pearle*)

1. Opening of the meeting – Approval of the draft agenda – Approval of the draft minutes of the meeting of 3 October 2014

The draft agenda was approved.

The draft minutes of the meeting of 3 October were approved.

2. Update on employment and social affairs

Stefaan Ceuppens informed the committee about the structure of the new Commission and commented on the statements made by different members of the Commission in support of social dialogue. He also provided an update on EU initiatives with relevance to the employment and social domain, including: the Commission's Annual Growth Survey 2015, and the Commission Work Programme, which includes initiatives on "promoting integration and employability in the labour market" and on "labour mobility".

See the presentation in [annex](#).

3. Work programme 2014-2015

The social partners commended the good progress that has been made with implementation of the committee's work programme.

4. Mobility

a) Update on visa letter

As a response to the committee's joint letter, the US mission to the EU has proposed to meet the social partners on 28 January. All interested members are welcome to join. The letter was copied to several Commissioners. A response was received from the Cabinet of Commissioner Thyssen.

b) Update on work in the area of transport of musical instruments

Silke Lalvani informed the committee that the EU Regulation on the certificate for musical instruments containing protected species will be adopted shortly. As from

February/March, musicians and orchestras should be in a position to start applying for such certificates. It seems that the US authorities will accept the EU certificate. Some problems remain nevertheless and require further follow-up (ivory-ban; difficulty to prove that the ivory was extracted before 1976; overall practical implementation).

Thomas Dayan (TD) informed the committee that the revision of the Regulation on air passengers' rights is currently being discussed at the Council, although it appears that adoption is not to be expected under the current Latvian presidency. Germany and the UK are against the proposals regarding travelling with musical instruments, but most Member States do not have a clear position, nor are these provisions considered as essential for the balance of the text. Rolf Bolwin stood ready to write to the German government on the issue. In the meantime, the US law has come into force.

c) Double taxation of artists when performing abroad

Dick Molenaar reminded the actions that have been undertaken, including by the social partners, to lobby the OECD on removing Article 17 from its Model Tax Treaty, and reported on the work of the Expert Group on removing tax obstacles for individuals (see presentation in [annex](#)). As mentioned at the previous SSDC meeting, the OECD did not remove Article 17 in the 2014 update, but it did include a number of options for exemptions and deductions. On that basis, Dick Molenaar has drafted an alternative text for Article 17 that includes these options (see [annex](#)) and that could be used when approaching governments to make use of the exemptions when revising tax treaties.

Responding to delegates' questions, Dick Molenaar explained that: an exemption for teams, troupes and orchestras is still being examined by the OECD in view of a next update; his "alternative" Article 17 is in line with the OECD proposals, while adding 2 elements (wholly/mainly subsidised and non-profit organisations' activities); existing tax treaties will have to be changed for them to take account of the more flexible approach offered by the new OECD Model; the next step should be for all to lobby their respective governments.

Marina Whitehouse added that it has not been decided yet which obstacles will be covered by the final report of the Expert Group (the artists' case being one of those being examined), nor which follow-up the Commission will give to it. In this context, she referred to the limited EU competences in this domain, and to the fact that most EU Member States are OECD members anyhow. Alexandra Kalogirou confirmed that the mobility of artists and culture professionals remains a priority also in the Work Plan for Culture 2015-2018 that was adopted by the Council in November 2014 and that a stocktaking meeting is scheduled to take place in 2016. The meeting will also address obstacles to artists' mobility in cross-border situations. The participation of tax experts will be encouraged.

5. Education & training

a) Sector skills council

Dearbhal Murphy (DM) presented the objectives, foreseen activities and targeted outputs of the SSC project of the audiovisual and LP sectors (see presentation in [annex](#)). She called upon all delegates to provide information on any related organisations and activities in their countries and welcomed their participation in the project, in particular where they are involved themselves in national skills councils (or similar structures).

b) ESCO

Matti Holopainen and Chris Van Goethem reminded the committee of the main features of the taxonomy of European Skills/Competences, qualifications and Occupations, and provided a state of play of the work of the sectoral reference group for the arts. After the next meeting of the group, the then existing "ESCO tree" will be shared for feedback. The first version of ESCO should be ready in 2016. Validation will be done by the ESCO Board.

6. Health & safety

a) State of play of the OiRA II project

DM informed the committee that the follow-up project on finalising the tool and its dissemination and promotion tool had been accepted by the Commission for financing.

b) Prevention of occupational illnesses

Following the discussion at the previous SSDC meeting, the Association of British Orchestras had set out to discuss with the trade unions what could be the employers' responsibilities in this area with a view to foster mutual understanding, and possibly create guidance. Mark Pemberton informed the committee he should be in a position to report on progress at the next meeting.

Ahti Vanttinen reported on 4 known Finnish cases of focal dystonia (3 of whom were French horn players), which were all recognised as occupational diseases.

7. Public funding

a) Update on the agreement reached in the Rome Opera

Loris Grossi presented the "chronicle of a cultural disaster", i.e. the collective dismissal of the orchestra and choir of the Rome Opera Theatre, which fortunately was reversed after an agreement was reached between the management and the workers' representatives (see presentation in annex).

b) Update from FIM on campaigning action on protecting orchestra funding

TD presented the FIM campaign¹ that had been triggered by the Rome "trauma", which took place from 17 to 23 November 2014 and which would be repeated every year (see annex).

c) Joint presentation from the French social partners on recent joint campaigning in relation to public funding

In the context of the FIM campaign, French social partners presented their joint actions, which involved more than 25 orchestras (see joint declaration² – French only). Also referring to the terrorist attack on the offices of Charlie Hebdo, they stressed the crucial importance of education and culture for preventing all types of extremism, making opposition against reductions in public funding for these sectors even more urgent.

¹ An example of an action under the FIM campaign: <http://www.stop-cultural-vandalism.org/bergen-philharmonic-iow/>

² https://docs.google.com/file/d/0B_pyyl1e36mNOGVsXzhXUnBtSEE/edit?pli=1

It was agreed to hold a more in-depth debate on the issue of public funding, possibly in an informal meeting ahead of the next SSDC meeting.

d) Cultural and Creative Sectors Guarantee Facility

Gloria Lorenzo Leronés presented the features of the Guarantee Facility (GF) that is part of the Creative Europe programme (see presentation in annex).

Responding to delegates questions/comments, she explained that: although this type of financing may not be the most appropriate for the LP sector, it does respond to a real need of other creative sectors (design, fashion, audiovisual,...); it provides for an additional source of financing, not replacing public financing, including subsidies of over EUR 450 MIO under Creative Europe; the capacity building actions under the GF are addressed to financial intermediaries only, but other types of capacity building support exists under Creative Europe.

The trade unions made a general plea for public funding to be conditional upon the respect of decent working conditions (no social dumping) and of social dialogue.

8. Gender equality

This point was held over for a future meeting.

9. AOB

Kathleen Lopez Kilcoyne denounced the still persisting increase of the VAT rate (to 21%) on cultural activities in Spain, introduced by a fiscal reform in 2012, which has caused a significant reduction of such activities. Even though 5 autonomous regions have asked the central government to reconsider this decision, no change is to be expected before 2017.

Annexes

- Point 2 – Presentation ongoing activities in the field of employment and social affairs
- Point 4c – Presentation Expert Group on removing tax obstacles for individuals
- Point 4c – Article 17 with options
- Point 5a – Presentation Sector Skills Council
- Point 7a – Presentation Chronicle of a cultural disaster
- Point 7b – The FIM call
- Point 7d – Presentation Creative Europe Cultural and Creative Sectors Guarantee Facility

Annex: List of participants 13/01/2015

<p><u>Employers</u></p> <p>Pearle* Ms Joëlle BOULLIER-DEBUF (FR) Mr Rolf BOLWIN (DE) Ms Anita DEBAERE (EU) Ms Liesbeth DEJONGHE (BE) Mr Hendrik DESMEDT (BE) Mr Momchil GEORGIEV (BG) Mr Matti HOLOPAINEN (FI) Mr Sébastien JUSTINE (FR) Ms Silke LALVANI (EU) Ms Kathleen LOPEZ KILCOYNE (ES) Mr Mark PEMBERTON (UK) Mr Zdenek PROKES (CZ) Mr Tommi SAARIKIVI (FI) Ms Ilka SCHMALBAUCH (DE) Mr Henrik STALSPETS (SE) Mr Jan ZARZYCKI (PL)</p> <p>16 employers representatives (6 women, 10 men) (2 EU, 3 EU-13, 11 EU-15)</p>	<p><u>Workers</u></p> <p>EURO-MEI Ms Angeline BARTH (FR) Ms Hanna HARVIMA (EU) Mr Rami LINDSTROM (FI)</p> <p>FIA Mr Paul William FLEMING (UK) Mr Denys FOUQUERAY (FR) Ms Dearbhal MURPHY (EU) Ms Laurette MUYLAERT (BE) Ms Karan O'LOUGHLIN (IE) Mr Maciej PACUŁA (PL) Ms Katalin RAKSI (HU) Mr Cristian SOFRON (RO) Mr Ahti VÄNTTINEN (FI)</p> <p>FIM Mr Thomas DAYAN (EU) Mr Loris GROSSI (IT) Mr Aldis MISEVICS (LV) Mr Leonard-Octavian PADURET (RO) Mr Yves SAPIR (FR) Mr Willibert STEFFENS (DE) Mr David WEBSTER (UK)</p> <p>19 workers representatives (6 women, 13 men) (3 EU, 5 EU-13, 11 EU-15)</p>
<p><u>Other participants</u></p> <p>Mr Dick MOLENAAR (Erasmus Universiteit Rotterdam, NL)</p>	
<p><u>European Commission</u></p> <p>Mr Stefaan CEUPPENS (EMPL.B.1) Ms Alexandra KALOGIROU (EAC.D.1 – Cultural diversity and innovation) Ms Gloria LORENZO LERONES (EAC.D.2 – Creative Europe programme) Ms Anna MEHNERT (TAXUD.D.2 – Direct Tax Policy & Cooperation) Ms Marina WHITEHOUSE (TAXUD.D.2 – Direct Tax Policy & Cooperation)</p>	