



**EUROPEAN COMMISSION**  
EMPLOYMENT AND SOCIAL AFFAIRS DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change  
**F1 : Social Dialogue, Industrial Relations**

Brussels, 13/06/2007

**MINUTES OF THE WORKING GROUP MEETING OF THE  
CULTURE AND LIVE PERFORMING ARTS SECTOR, 05.03.2007**

**Chair :** Mr. Anita Debaere (PEARLE)

**Commission representative:** Ms. Marta Pradanos (DG EMPL/F1)

**In attendance:**

Busuioc	Bianca	FIA
Dayan	Thomas	FIM
Debaere	Anita	PEARLE
Dejonghe	Liesbeth	PEARLE
Donaghy	Willy	BECTU
Holopainen	Matti	Suomen Teatteriliitto
Jong	Jaap	UNT CNO
Kovacs	Geza	AHO
Marschutz	Antony	SNAM
Schmalbauch	Ilka	Buehnen verein
Söder	Raimo	TEME
Studinger	Johannes	EuroMEI

**1. Approval of the agenda**

The draft agenda of the meeting is adopted.

**2. Project on Romania and Bulgaria**

Bianca Busuioc (BB) presents the project proposal as a follow-up of the enlargement project implemented in 2005-2006. The duration will be 16 months. Social partners agree on the importance of avoiding discussions on social dialogue issues at the national level, and the convenience of focusing on the European level of social dialogue.

From the logistic point of view, social partners agree on setting the dates for the meetings as soon as possible, and inviting the Commission in order to make sure that representatives from DG EMPL take part in at least one of the meetings.

### **3. Communication on Culture**

Marta Prádanos (MP) explains that several meetings of the Inter-service Group have been held, and that an interservice consultation has taken place on the contents of the Communication. An annex details work on culture carried out in specific areas, amongst which the European social dialogue committee.

Social partners discuss about the possibility of adopting a public statement on the contents of the Communication, once it has been released, and agree on carrying this initiative forward.

### **4. Green Paper on Labour Law**

In order to prepare common contributions to questions 6, 7, 8, 12 and 12, social partners had previously agreed that EEA would send a proposal to PEARLE. PEARLE confirms having received this proposal and having circulated it to PEARLE members. An open debate takes place on answers to each of the five questions.

On question referring to training (question 6: "What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?"), social partners agree on a common response mentioning that access to training should be made available, highlighting the specificities of the sector, and asking that a support for training is provided when it comes to complementary training and transitions.

On questions referring to uncertainty with regard to the law (question 7: "Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bone fide transitions from employment to self-employment and vice versa?" and question 8: "Is there a need for a "floor of rights" dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?"), social partners agree on the need to defend those rights, although the discussion does not allow to reach an agreement on the joint response. It is decided that during the following week proposals will be exchanged by email.

On question referring to mobility of workers (question 12: "How can employment rights of workers operating in a transnational context, including in a particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of 'worker' in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?"), social partners agree on a common response on the basis of EEA's proposal.

On question referring to enforcement and administrative cooperation (Question 13: "Do you think it is necessary to reinforce administrative cooperation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?") social partners agree on the need for a closer cooperation and the importance of fighting undeclared work in the sector.

As conclusion, social partners acknowledge the usefulness of the debate. PEARLE thanks EEA for the proposal of a joint contribution and it is agreed that PEARLE will

reformulate the text on the basis of the discussion, and will send it back to EEA on 15<sup>th</sup> March for comments / validation. This is also agreed by EEA.

#### **5. Organisation of plenary meeting on 15 June**

On the basis of the Work Programme adopted for 2007-2008, social partners decide that the topics to be tackled at the plenary meeting will be the following:

- ✓ Enlargement project for Romania and Bulgaria
- ✓ Communication on Culture; presentation from DG EAC
- ✓ Visas
- ✓ Joint Contribution to the Green Paper on Labour Law
- ✓ Health and Safety at work/
- ✓ Guidelines for the implementation of the Directive "Noise"; presentation by Angel Fuente from DG EMPL
- ✓ Presentation on flexicurity

Social partners also agree on the convenience of inviting always representatives of DG EAC to deliver a presentation on ongoing initiatives at plenary sessions.

#### **5. AOB**

There was not discussion on any other business

*FORTHCOMING MEETINGS: 15<sup>th</sup> June (PL), 13<sup>th</sup> September (WG)*