



## 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 06/12/2011

**Chair:** Mr Denys Fouqueray (EAEA, workers)

#### **1. Opening of the meeting – Approval of the draft agenda – Approval of the draft minutes of the meeting of 27 September 2011**

The draft agenda was approved, inverting however points 3a and 3b.

The draft minutes of the steering group meeting of 27 September 2011 were approved.

#### **2. Feedback from DG Employment on ongoing activities**

Stefaan Ceuppens (SC) provided an update on EU initiatives with relevance to the employment and social domain and the Live Performance sector, including: President Barroso's State of the Union Address to the European Parliament – which includes the intention to further "boost the quality of social dialogue at European level"; a number of elements of the Commission Work Programme 2012 which could be of relevance to the LP sector<sup>1</sup>; recent developments as regards the accession of Croatia to the EU; the European Parliament resolution of 15/11/2011 on the European Platform against poverty and social exclusion<sup>2</sup>; Commission proposals in the context of the Multiannual Financial Framework 2014-2020, including the Creative Europe framework programme<sup>3</sup>; the main conclusions of the EPSCO Council of 1-2 December; the state of play of the calls for proposals supporting social dialogue; the main conclusions of the conference on "Negotiation, consultation and autonomy of EU Social Partners – 20 years of the Social Partners' Agreement"<sup>4</sup>; the upcoming Thematic Liaison Forum on the Capacity Building of National and European Social Partners (on 12 December); the Commission proposal for a renewed EU Strategy 2011-2014 for Corporate Social Responsibility<sup>5</sup>. He concluded by referring to a number of recent publications of DG EMPL and Eurofound and by mentioning the ongoing public consultations (see presentation in annex).

Responding to delegates' questions, SC invited the delegates to send him their specific questions regarding the use of the "cultural exception" as regards state aid by Member

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<sup>1</sup> [http://ec.europa.eu/atwork/programmes/index\\_en.htm](http://ec.europa.eu/atwork/programmes/index_en.htm)

<sup>2</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-0495>

<sup>3</sup> <http://ec.europa.eu/culture/creative-europe/>

<sup>4</sup> <http://www.destree.be/socialpartners/HOME.html>

<sup>5</sup> [http://ec.europa.eu/enterprise/newsroom/cf/\\_getdocument.cfm?doc\\_id=7010](http://ec.europa.eu/enterprise/newsroom/cf/_getdocument.cfm?doc_id=7010)

States, for transmission to the colleagues in charge; confirmed that the Commission intends to revise the 2004/2009 Regulations on coordination of social security systems<sup>6</sup> in 2013 and reminded the Committee of the possibility to request a presentation on this topic by the colleagues in charge.

### **3. Health and Safety**

#### **a) Noise: presentation AGI-SON**

Angélique Duchemin presented the French AGI-SON<sup>7</sup> association and its work on sound management with the aim of preventing damage caused by noise in the amplified live music sector (see presentation in [annex](#)).

AGI-SON's yearly awareness raising campaign is also available in other languages/countries, including Dutch, Spanish and English. The aim of this European approach is to share information and to avoid problems with differing national sound level rules. AGI-SON also strives towards making an inventory of the implementation of the Noise Directive and to identify problematic issues for transmission to the Commission. Several countries are already participating in networking actions promoted by AGI-SON.

Responding to delegates' questions, she confirmed that AGI-SON also collaborates with music academies and schools; that CMB<sup>8</sup> is an associate member of AGI-SON; that there are relatively few similar organisations – where social partners are involved – in other European countries, although there are contacts with organisations in Denmark and Belgium.

Thomas Dayan (TD) reminded the committee that the Noise Directive (2003/10/EC) provided for the social partners to give their advice with regard to the implementation of the Directive. Practices amongst Member States seem to be diverging quite a lot. He felt that the SSDC could play a useful role in raising awareness about this issue in the MS and fostering appropriate implementation, possibly in collaboration with AGI-SON and its network.

Angélique Duchemin also raised the issue of possible gaps between the production of guidelines and the actual implementation on the ground.

Catherine Baumann (CB) agreed that the SSDC could play a role by sharing (good) practices of the different MS and that further reflection is needed on whether the SSDC would collaborate with AGI-SON in this domain.

#### **b) Risk assessment**

Referring to the trade union's reflection note on Health & Safety (see [annex](#)); Dearbhail Murphy (DM) invited the employers to provide their reaction on the proposals contained in it.

CB explained the employers' priorities in this domain as follows:

- The employers agreed on establishing a joint statement on risk assessment, listing amongst others the existing tools in this respect;

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<sup>6</sup> [http://europa.eu/legislation\\_summaries/internal\\_market/living\\_and\\_working\\_in\\_the\\_internal\\_market/c10521\\_en.htm](http://europa.eu/legislation_summaries/internal_market/living_and_working_in_the_internal_market/c10521_en.htm)

<sup>7</sup> <http://www.agi-son.org/>

<sup>8</sup> <http://www.cmb-sante.fr/index.php>

- They also wish to pursue the work on developing a risk assessment tool for the sector with a focus on mobility (touring), setting up a working group for that purpose;
- They agree to keep in contact with the Bilbao Agency (OSHA) on H&S issues in general, also in the context of its future campaign on risk prevention;
- Risk prevention should indeed be addressed, amongst others under the angle of initial training, involving the education/training sector.

The workers' delegation welcomed the openness of the employers to continue and further develop the joint work in this domain.

As regards the need for a dedicated meeting with the OSHA in Bilbao, the employers expressed reservations. All agreed however that if the Agency would develop specific tools applicable to the sector, the SSDC should be closely involved.

#### **4. Strengthening capacities of social partners: update on 2011 projects**

TD gave an update on the workers project for capacity building, targeting Romania, Bulgaria, Hungary, Slovenia and Slovakia. The workshops that have already taken place, in Romania and Bulgaria, were well attended.

CB confirmed that the past and current capacity building projects, both joint and separate, confirm the importance that both sides attach to this issue. The employers will also keep the SSDC informed of progress of its project, which is due to start shortly.

In this context, the difficult situation of social dialogue, in general and in the culture sector in particular, in several Central and Eastern European MS was commented. It was **agreed** that a joint statement would be drafted, expressing the SSDC's concerns in this respect. The EAEA intends to issue a separate declaration regarding the particularly worrying situation in Romania.

#### **5. Training and skills projects**

##### **a) Sectoral skills council**

This point was postponed to a future meeting due to lack of time.

##### **b) Transition of dancers**

This point was postponed to a future meeting due to lack of time.

#### **6. Eurofound**

Marina Patriarka (MP) presented the work of the European Foundation for the Improvement of Living and Working Conditions (Eurofound), explaining: its mission, tripartite structure, target groups, areas of expertise, research methods and main products. She also mentioned that social partners could apply to the Stakeholder Enquiry Service (research studies) or Customised report service (occasional papers on selected themes) for a flexible, tailor-made information on demand.

She finally clarified a number of aspects of the ongoing representativeness study for the LP sector (see presentation in **annex**) and took note of some social partners' concerns expressed in this regard.

## **7. Mobility**

### **a) Touring to the USA**

This point was postponed due to the absence of the speaker concerned.

### **b) Mobility in the EU**

Angeline Barth presented the activities of SMart in France (see presentation in annex).

In the ensuing discussion concerns were expressed regarding the activities of SMart<sup>9</sup> in Belgium and France (and expanding to other European countries), including: the legality of certain methods applied by SMart (such as "portage salarial" in France); the precarious nature of the employment relation that is promoted; the reduced rights of workers that result from the systems used by SMart; the positioning of SMart, which seems to have the ambition to take over (part of) the role of the social partners.

The European social partners agreed that their members should be made aware of the possible risks of SMart's activities. The SSDC will continue exchanging on national experiences in order to better grasp all aspects of the issue (mobility, role of intermediaries, impact on social dialogue,...).

## **8. Impact of the economic crisis**

There were no calls from the floor on this item.

## **9. Work programme 2012**

The draft work programme for 2012-2013 (see annex) was discussed and the following was agreed:

- The first point on "strengthening capacities of social partners" will be relabelled to "social dialogue and the role of social partners in the LP sector", including sub-points on capacity of social partners and the role of social partners;
- Health and safety: see point 3 of the agenda;
- Training and skills: the skills council project will go ahead; the SSDC will request the Commission to be a partner in this project as a reference committee, creating an expert team for this purpose;
- Mobility: no comments;
- Gender equality: given the already ambitious work programme and the lack of sense of urgency from their side, the employers proposed to postpone this issue, inviting the trade unions to make a suggestion for the next work programme; it was also felt that the issue should be put in the larger perspective of diversity in general; it was agreed to drop this point, not ruling out first informal exchanges on the topic;
- Impact of economic crisis: no comments;

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<sup>9</sup> <http://www.smartfr.fr/>  
<http://infofr.smartbe.be/>  
<http://www.smarteu.eu/>

- Follow-up of EU initiatives: no comments.

The secretariats will finalise the draft work programme on this basis.

## **10. AOB**

It was agreed that in the future the preparatory meetings will be held in parallel, the 2 sides benefiting from interpretation on an alternating basis.

### Annexes

- Point 2 – Presentation ongoing activities in the field of employment and social affairs
- Point 3a – Presentation AGI-SON
- Point 3b – Reflection Note on Health & Safety
- Point 6 – Presentation Eurofound
- Point 7b – Presentation on SMart.fr
- Point 9 – Draft work programme 2012-2013

Annex: List of participants 06/12/2011

<p><u>Employers</u></p> <p><b>Pearle*</b> Ms Catherine BAUMANN (FR) Mr Rolf BOLWIN (DE) Ms Joëlle BOULLIER-DEBUF (FR) Ms Anita DEBAERE (BE) Ms Liesbeth DEJONGHE (BE) Mr Momchil GEORGIEV (BG) Ms Claire GUILLEMAIN (FR) Mr Geza KOVACS (HU) Mr Loïc LACHENAL (FR) Ms Silke LALVANI (BE) Ms Kathleen LOPEZ KILCOYNE (ES) Mr Mark PEMBERTON (UK) Mr Zdenek PROKES (CZ) Ms Ilka SCHMALBAUCH (DE)</p> <p>14 employers representatives (8 women, 6 men) (3 new MS, 11 old MS)</p>	<p><u>Workers</u></p> <p><b>EURO-MEI</b> Ms Angeline BARTH (FR) Ms Hanna HARVIMA (BE) Mr Ray LIBRERI (MT) Mr Chris VAN GOETHEM (BE) Mr Pierre VANTORRE (FR) Mr Pier VERDERIO (IT)</p> <p><b>FIA</b> Mr Paul FLEMING (UK) Mr Denys FOUQUERAY (FR) Mr Antonio MUÑOZ LOBATON (ES) Ms Dearbhal MURPHY (BE) Mr Maciej PACUŁA (PL) Ms Katalin RAKSI (HU)</p> <p><b>FIM</b> Mr Valentin CENTENERO GALLEGO (ES) Mr Thomas DAYAN (FR) Mr Servaas LECOMPTE (BE) Mr Anthony MARSCHUTZ (FR) Mr David MORALES MONTANES (ES) Mr Leonard-Octavian PADURET (RO) Ms Sofia RISTIC (SI)</p> <p>19 workers representatives (5 women, 14 men) (5 new MS, 14 old MS)</p>
<p><u>Other participants</u></p> <p>Ms Angélique DUCHEMIN (AGI-SON, FR) Ms Marina PATRIARKA (Eurofound)</p>	
<p><u>European Commission</u></p> <p>Mr Stefaan CEUPPENS (EMPL.B.1)</p>	