



REPORT
SICA Conference *Artists on the Move*
7 and 8 October 2004, Rotterdam

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Report of the Expert Meeting on Culture 2007, the successor of the EU programme Culture 2000, on 7 October 2004, in Rotterdam

Moderated by Dragan Klaic (President EFAH; European Forum for the Arts & Heritage)

Keynote speakers: Mary Ann DeVlieg (Secretary General IETM; Informal European Theatre Meeting), Hedwig Fijen (Director International Foundation Manifesta), Sabine Frank (EU Policy Advisor EFAH), Zora Jaurova (CCP Slovakia), Geoffrey Brown (Director EUCLID International)

Special guest; Harald Hartung (Directorate-General for Education and Culture; DGEAC).

Inez Boogaarts (Director SICA) welcomes everyone to the expert meeting and begins with an introduction. Because of the overwhelming response, the meeting is both inside and outside the room. Outside, some 80 people can follow the meeting on a video screen. This great interest is because of the fact that this is the first public European debate on Culture 2007 and the first public appearance with regard to the Culture 2007 programme, of the special guest Mr Harald Hartung. Mr Hartung is head of the Culture Unit in the Directorate-General for Education and Culture. Moderator of the meeting is Mr Dragan Klaic and after a brief introduction, Mr Hartung outlines the new Culture 2007 proposal .

As Mr Hartung points out, the proposal is not yet finished, and in the coming months and years the aim is to fine-tune the programme. The content is quite similar to the Culture 2000 programme, but the intention is to make it a more specific programme with clear priorities which will have Europe-wide impact. Furthermore, the budget is higher being an intended amount of €408 million for 7 years. The current Culture 2000 programme has a budget of €237 million.

The new programme is open to all disciplines; which means that even though for instance, cultural heritage, is not mentioned specifically, it does not mean that this is not included in the programme. Since it is a long-term programme, it was decided to keep the categories open. The new programme will be open to all kinds of cultural operators, provided their programmes are non-profit making. Small organisations are also included. What counts is the quality of the projects with a European added value.

The new programme focuses on the mobility of art and artists, and intercultural dialogue. The new programme describes 3 strands for the types of projects.

Strand 1. is the same as in the Culture 2000 programme and supports European cooperative projects, including European Capitals of Culture.

Strand 2. supports cultural organisations of European significance, and also supports the conservation and renovation of places (and archives) connected with Nazi deportation and persecution (and concentration camps).

Strand 3. supports activities with regard to research and analysis, collecting and disseminating information aimed at cultural co-operation.

The role of the CCPs is to disseminate information, help to find partners and help prospective applicants to develop and submit their proposals. This role should be a more permanent one, however, at this moment it is not clear how this can be achieved

What will happen in the future? There will be numerous debates and amendments. However, in the end a unanimous decision must be reached. This is one of the reasons why the programme should be kept simple. The programme also needs to anticipate events in the cultural field in the coming 7 years, and will have to try to keep legislation and rules to a minimum.

This could mean that the programme will not be as good as could be, but the intention is to make it into a practical programme, and to put specific proposals in the yearly Call for Proposals to keep the programme as flexible as possible.

Dragan Klaić says that Mr Hartung's presentation is comprehensive and clear, but points out that he is addressing a very competent and critical audience. However, one of the first things that should change about the programme is its name.

Mary Ann DeVlieg suggests to call the new programme *Chaos*, i.e. a lot of paper, a lot of homework but no radical changes and, basically, no radical ideas. She says that the member states should co-operate more. Furthermore, with a programme like this, it is important to be innovative and creative, so start by creating a 'learning loop'; learn from the experience of others and make sure that experts judge the project proposals.

Geoffrey Brown finds Culture 2007 a very broadly based programme and questions whether there should be more Capitals of Culture (since the current programmes function fine as they are now). And also, by keeping the programme broadly based and open, Geoffrey wonders where culture comes in.

Sabine Frank asks whether this new programme is an instrument of cultural policy or whether it is a PR-instrument of the EU, for image building within and outside the EU. It seems to be a PR-instrument but with a limited budget and huge expectations, so it might not succeed.

Hedwig Fijen is encouraged by the emphasis on mobility. Manifesta proves that it can work, although you definitely need resources to sustain your organisation. Hedwig questions whether there is any space left in this programme for organisations to define contacts between the EU and its new neighbours. Furthermore, she was quite surprised to find that high-profile institutions in Europe were not aware of the Culture 2000 programme and she strongly advises to make the programme more visible.

Zora Jaurova comments on the fact that the standard of living in the EU varies from country to country, which means that a 5%-participation (in Euros) in one country, appears to be a lot more than in other countries. Perhaps this could be taken into consideration in the new proposal. This point is strongly challenged by the argument that positive discrimination is not a solution.

The discussion that follows with the participants, focuses on the themes:

- what is 'cultural' and what role should be played by cultural diversity?
- there should be a commitment from the member states toward this new programme
- the new budget, even though it is an increase, is still not even 1% of the EU-budget
- try to find synergy between the new culture programme and other EU programmes
- once again the issue of third countries and what their part is in this programme
- how can you guarantee information-sharing? How to deal with evaluation?
- changes in the cultural world? When is a new cultural discipline a new discipline? What kind of definitions are used?
- co financing is always a problem; member states should commit to the EU programme
- outsourcing of administrative tasks is a good idea; but does this mean that the highest accuracy which is demanded from the participants will also be provided by the EU?

Mr Hartung reacts to the suggestions and questions raised during this meeting.

As far as the budget is concerned, it is difficult to turn a square into a circle, but if we put it into a broader perspective, 'what are the values that we share in the EU?'

Then the issue of PR. PR is decided on in Brussels. This is a document about a programme, written by civil servants. There is no passion. This programme should raise awareness but we have to be realistic. There is not much funding and even with what is possible, there is always a great deal of lobbying that needs to be done. With this new programme we are simply attempting to go on. It might not be optimal, but we want to be realistic. Revolutionary ideas are not possible, it is more a question of evolution.

As for the argument that there is no room for smaller organisations in Culture 2007: we need the small ones (the grass roots) and everything has to fit into the small budget that we have. So, start with annual projects, gain experience and move on to bigger projects, sharing your experiences. The outsourcing to an executive agency is planned for financial reasons, do not believe that this means that any of the (EU) rules will change.

Last but not least, Mr Hartung thanks everyone for the input, which will be worked on.

Dragan Klaić thanks the panel members for their contribution to the discussion, and rounds up the expert meeting by stressing that the programme objectives need to be defined in a more specific and acceptable manner, and in such a way that cultural heritage will receive a clear signal that the programme is open to them as well. He pleads for significant budget increase to respond to the needs that have developed in Europe in the past 15 years since the end of the Cold War. He is pleased that mobility has acquired such a central role in the draft programme but reminds the audience that mobility is not a goal in itself but a means to create an inclusive Europe-wide cultural space, pluralistic, dynamic and open, able to engage the EU neighbours. In his view, the cultural dimension of the EU's foreign and security policy needs to be developed, and the cultural programme needs to find common points with other relevant EU programmes.

Recommendations resulting from the expert meeting on **Culture 2007**:

- **Scale of the projects:** supporting European cultural co-operation and artistic innovation should at least imply access to European funding schemes by cultural operators that initiate projects on a scale similar to the current one-year projects (action 1). A European programme that aims to increase the mobility of artists and their work should not focus solely on large projects.
- **Quality of the jury:** it is felt that abandoning the sectoral approach completely, might create obstacles for an effective and convincing assessment by the jury. Where can you find the experts that have a complete and profound overview of all artistic fields in Europe? Ensure the quality of the jury and the jury profile structurally, not on an ad hoc basis.
- **Sector specific:** if the sector specific approach is abandoned this might lead to an 'unfair' competition, in which less 'sexy' disciplines are likely to lose the battle from more 'fashionable' arts disciplines or arts disciplines that are more suitable for big events. An endangered sector in this regard is literature (especially translations).
- **The position and role of the CCPs,** both in the current programme and in the Culture 2007 proposal, should be reconsidered. Special attention should be paid to the co-ordination between the communication efforts of the EC itself (such as the cultural portal, studies and research activities) and other information services. The CCPs should be



integrated to a greater extent in the implementation of the programme. Multi-annual funding of the CCPs would be a prerequisite for further professionalisation.

- **Subsidiarity** remains the leading principle for EC activities in the cultural domain. However, the question remains whether the EC should not play a more co-ordinating role in this respect, without touching upon the no-go area of harmonisation of national cultural policies. More co-ordination between the EC and the cultural policies in the member states could maximise the effect of each Culture 2007 grant.
- Establish **better links with Community programmes in other fields**, for instance education, youth, research and development and external relations (co-operation with third countries).



SICA Conference Artists on the Move, second session

Friday 8 October 2004

Rotterdam

Director of SICA Inez Boogaarts, welcomes all participants, panel members and moderators, and opens the conference *Artists on the Move*. A special word of thanks is given to the host city of Rotterdam, a city known for stimulating the arts. The central theme of the conference is **mobility** and the focus will be on the obstacles hindering the mobility of artists within Europe.

Free movement of artists throughout Europe and beyond should be stimulated, and although free movement of artists within Europe is possible at the moment, there are still many obstacles for artists wishing to move around freely. This conference focuses on practical and therefore 'non-sexy' themes, such as taxes, funding, visas, work permits etc. The intention of the conference is to share the ideas discussed here today with the decision makers in our own countries.

Stephen Hodes is the moderator of this conference. He will try to make sure the attendants get the most out of it. He expresses the hope that they will be shopping for new ideas today because mobility and change are important not only to artists but to society as a whole.

Stef van Oosterloo (replacing the Director General of Culture & Media Judith van Kranendonk) of the Ministry of Education, Culture and Science gives an introduction on what Europe has to offer with regard to culture. The EU should concentrate on funding European cultural issues where Europe has a clear, obvious task. European networks should be financed by the EU, and not by individual countries. Mobility for artists should be stimulated at a European level as well, because artists and art collections that cross borders help European integration and help shape the Europe of the future. The mobility of artists can be improved in two ways: (a) by stimulating mobility and (b) by removing the obstacles to mobility. Funds will be made available to stimulate mobility, as there is a need for cross-border projects. There are still many obstacles that are not specific to the cultural sector, such as the issue of social security, and the difficulties in acquiring visas. Taxation of artists, however, is a problem specific to the cultural sector. The Dutch government has made this a priority during its term of office as president of the EU, and it is being challenged successfully in Luxembourg at the moment. The Dutch presidency rather hopes to achieve modest, practical results than fine visions with no real consequences.

Question:

Does the Dutch government feel it is their responsibility to subsidise other countries besides the Netherlands?

It is the declared aim of the Dutch government to promote, selfish, Dutch cultural schemes. The EU should take over the non-selfish schemes. However, the Netherlands does not only subsidise Dutch cultural manifestations, but is in fact the biggest net contributor to European cultural funds.

András Török, Hungarian governmental organiser of *Hongarije aan Zee* (the Hungarian cultural season in the Netherlands) speaks about mobility being a miracle drug, even a vital vitamin. Hungary has always been eager to brush up its cultural identity. It used to be a society of scarcity, but in recent years new cultural initiatives have been coming up all the time. A successful presentation of Hungarian art took place in France in 2001. Török was asked to set up a similar cultural member project with events in 33 cities of the Netherlands, which is called *Hongarije aan Zee*. This project provides new opportunities for upgrading Hungarian art. His personal

background, formed by mobility, being a dissident first, not having a passport, and then later being able to spend time abroad, made him the person he is today. Hungary, with its complex history has always been very sensitive to the limits of mobility. Török distinguishes three kinds of mobility schemes: selfish, pseudo selfish, and unselfish mobility schemes.

- The selfish scheme occurs out of government interests, as an image and in the interest of the country itself.
- The pseudo selfish scheme occurs when, more or less inadvertently as a result of this cultural exchange, the other country benefits from it culturally. This broadens the horizon of cultural organisations.
- The unselfish mobility scheme occurs when countries invest in mobility schemes in countries other than their own.

It is the responsibility of the EU to invest in unselfish mobility schemes as much as possible. Török compares cultural life in Hungary in the communist years, with a zoo. Artists were kept well fed in a beautifully maintained zoo. When the zoo was pulled down chaos reigned, and people started to ask for reinstatement of the zoos. The task of the EU government is not to rebuild zoos, but to build safari parks where artists can find water and food themselves. Directors of safari parks should exchange with other safari parks.

After the introductions, the first four workshops take place:

1. Expanding horizons: information on mobility (programmes)
2. A sound financial management of your European project
3. Crossing Borders in Europe: visas and work permits
4. Artist tax: an introduction

After lunch, visual artist Joep van Lieshout presents his ideas on the importance of mobility in a plenary wake up call. After his presentation, a second series of workshops follows:

5. Artist tax: discussion on long term tax changes
6. Social security in Europe
7. Funding: how and where to get started
8. Discussion: the implications of mobility

Workshop 1 Expanding horizons: information on mobility (programmes)

Presentation of a broad range of information sources about cultural networks and mobility programmes.

Moderated by: Geoffrey Brown, director of EUCLID

Panel members: Erik Hagoort (Trans Artists), Paul van Paaschen (HIVOS Culture Fund), Katelijin Verstraete (Informal European Theatre Meeting, IETM), Ilona Kish (European Forum for Arts and Heritage, EFAH), Lieke Schuitmaker (European Cultural Foundation),

Geoffrey Brown states the three focus points of this workshop:

- What kind of information is there on mobility programmes?
- What are the practical consequences?
- What is the effectiveness of the programmes?

This workshop will try to provide handles and opportunities to talk about mobility.

Panel members' contributions

Erik Hagoort (Trans Artists) says that there are two misunderstandings with regard to mobility for artists. Firstly, the cultural scene tends to underestimate how much time and money needs to be spent on infrastructure: there is not enough attention for the conditions needed to get artists to a certain place. The second misunderstanding is that mobility of artists is a new phenomenon. Actually, artist colonies already started in the midst of the 19th century, when rich industrial families provided places for artists to work. In the nineteen sixties, communities were founded in the Netherlands where artists made art that was inspired by their environment. Over the last six or seven years explosions of new projects occurred all over the world; in China, Japan, Africa, Latin America. All these projects struggled with funding.

Two organisations deal with this: Trans Artists, which was funded by the Dutch Ministry of Culture, and is concerned with world-wide projects, and Res Artis, the world wide Association of International Residential Arts Centres, which provides possibilities for artists to go abroad as a guest or stay at a cultural centre for a certain period of time.

This exchange of cultural worlds brings about a strange, but very fruitful, paradox. When artists meet artists they bring their own policies, and sometimes very restrictive requirements, forcing artists to make choices, to stay somewhere and to adapt. It limits the mobility from the inside. This matching of the rooted local scene with new coming artists provides interesting results. *Res Artis* is a large network that shows individual artists how to find their way and how to fund it. Its main goal is the exchange of ideas, tips and experience.

Paul van Paaschen (HIVOS Culture Fund) shows two short films that illustrate the mobility issue and the confusion artists might encounter when attempting to cross borders.

He expresses the concern that Europe has become more self-centred and that it is getting increasingly difficult for artists to cross borders. His plea is firstly: broadening and opening up, creating more possibilities to move. Secondly, digital mobility should also be considered, especially for artists who cannot travel to another country. And lastly, we should broaden our horizon to non-European borders.

Katelijin Verstraete (IETM) says that there are many obstacles for artists who want to move around. Mobility is the process of engaging with different cultures. Qualifications of artists, visas, and lack of language skills could be obstacles. Possible aids to solve this are mobility funds. For instance, the *On-the-Move* programme focuses on pragmatic things such as providing information on funding. In

2002 a web portal was set up. This portal is a comprehensive, expandable website on international projects of performing arts, with a regional scope within Europe and countries around Europe. IETM works with partners to improve and expand the information, and their tips are integrated in the website. The website provides information and links relevant to mobility, and a survey of what is possible for artists. Most important is how to link technology to culture. Time and money should be invested in categorising matters so that the information can be updated all the time.

Ilona Kish (EFAH) explains that EFAH is an umbrella organisation of European cultural organisations. It aims to increase recognition of the cultural dimension of Europe and works specifically on mobility programmes. Two areas deal with this: cultural organisations and experienced networks. Many of the cultural organisations rely strongly on mobility, while funding is very limited. The reason why the EU is focused on mobility is because it also provides safe areas to work in. However, the EU will not step in the void of mobility funding. Two questions are important: who provides mobility for whom and, who provides funds? The Erasmus educational exchange is the flagship programme of mobility for higher education students, and it is one of the few European programmes that is not being contested. The other area is the world of international networks that tries to facilitate meetings and provide cheap sources of expertise enabling mobility.

Lieke Schuitmaker (European Cultural Foundation): the work of the ECF is divided into three parts. They:

- run their own programme on arts, media and mobility,
- are involved in grant giving organisations – 68 grants were given to organisations in 2003,
- deal with cultural policy development in order to affect cultural policy in the EU.

Furthermore, the ECF is committed to the Laboratory of Cultural Co-operation that will serve the field, i.e. the cultural and artistic operators, and will develop regional operations and enhance the co-operation of European cultural institutions. The ECF has a long track record of funding, for instance, the *Erasmus* programme is managed by the ECF, and so was the APEX fund (1994-2001) for new organisations from Eastern Europe. The ECF is currently involved in the *Step Beyond* mobility fund. This fund stimulates traffic between countries and their neighbours, provides individual support during the setting-up phase, deals with the collaborative aspects of initiatives of long term partnerships, and prefers to travel eastward instead of focussing on Western Europe. The target group of *Step Beyond* are individuals, such as art professionals, cultural journalists, organisations and translators. Other activities of ECF are the *New European Deal* for journalists about cross-border issues, programmes for the Mediterranean region, the website *On the Move*, and the setting up of mobility schemes. All ECF activities take place within the framework of mobility. Mobility will be priority number one in the near future.

Questions

Why is Step Beyond geared to funding projects in Eastern Europe? Travel should be supported both ways.

ECF likes to stimulate areas that are not supported a lot. We have examined how education could be part of the programme. We did a research project on the relationship between the mobility of students and artists. There is an imbalance in students' and artists' mobility, and very little interest in going to countries such as Finland, Latvia and Rumania. It is a priority to create possibilities for students who really need this to develop skills and a network, and to broaden their horizons.

Students say that mobility affects their creational work, and that being part of an international circle helps their careers. Being international is becoming increasingly important.

Ilona Kish remarks that at the moment there is a western privilege to mobility. It is easier for us to get there than the other way around.

Mary Ann DeVlieg (director of IETM) remarks that there should not be one big mobility plan, but many separate mobility plans. Small efficient plans are better, as they use synergies of different kinds of organisations.

There is no mobility for women artists from South-East Asia, they have no resources, and are not allowed to travel. Should we not be thinking of an agenda that is specifically sensitive to women?

Erik Hagoort: Centres specifically for women have been founded, for instance in Bremen a project for women artists was supported for 4 years.

Paul van Paaschen: the *Rijksakademie* provides funds and projects in which a lot of women participate.

The conclusion is that it is more difficult for women than for men to access resources. Networks should be shared and feedback should be given.

What is the ultimate goal of mobility? Is it not an instrument for other, follow-up activities, and not just a goal in itself?

Geoffrey Brown: Certainly, mobility is just an instrument.

Lieke Schuitmaker: Travelling can be a unique opportunity that changes a life.

Katelijnn Verstraete: Projects can be created through mobility, which is a prerogative of artistic development.

So far we have talked about individual artists. What about artistic groups?

Lieke Schuitmaker: the ECF does not exclude groups, but we do ask for specifications. The reason is very practical: a lack of finances.

Erik Hagoort: Trans Artists supports only individuals.

Paul van Paaschen: finances are a problem; HIVOS does not support groups on a very large scale.

What about non-European countries such as Switzerland?

Geoffrey Brown: we should remind ourselves to broaden our view to non-European countries. We need unselfish schemes, and Switzerland contributes a lot.

Workshop 2 Sound financial management of your European project

How to manage your European project financially. A practical handbook for cultural enterprises, about financial management and the consequences for the internal organisation.

Panel members are Freek Bloemers (Bloemers & Leach Arts Consultants), Yvette Gieles (CCP the Netherlands) and Jan Willem van Kruyssen (MUZtheater).

Freek Bloemers, arts consultant, stresses that there is no such thing as a handbook for managing a European project. Everybody is invited to participate in the workshop with their own experiences.

Important guidelines for managing your European project:

- How do you spend your money? Follow the rules of the fund, format your budget
- Do not reinvent the wheel. Information is available from predecessors; use SICA as an information point
- If you enter the project well prepared financially and logistically, it will be easier to manage.
- Think about what can go wrong, and prepare yourself accordingly.
- The first stage of the project, the pre-production time is very important. Make clearly defined agreements, *especially* when you work with friends.

Han Bakker presents a case from his period as managing director of the *Dogtroep*.

In 1993 the *Dogtroep* was invited to play in Chicago. There was no provision in the contract about what would happen if the rate between the guilder and the dollar changed. The *Dogtroep* lost a lot of money. His advice is to arrange this sort of practical things as early as possible. He also suggests making a separate insurance system for risk-insurance in the international arts; and always check if your guests have a health insurance.

Freek Bloemers says there is a difference between co-productions and collaborative projects. Co-productions are very difficult at first because of the difference in languages. The participants need a number of meetings before they can start working. Pieter Zeeman (FAPK, the Fund for Amateur- and Performing Arts) says that not only translation problems, but also differences in expectations pose problems for co-productions.

It is of great importance to have a network of journalists or local friends in the country where your project will take place. The local people know best how to solve problems in their own country. IETM is very helpful in finding contacts. You can also contact institutions, secondary schools or music schools to get the right contacts. It helps to create an environment for future co-operation.

Jan Willem van Kruyssen talks about his co-production *Magic-Net* with several other theatre companies¹. So far, the project has been very successful, there are not many problems. His advice is to keep good relations with your partners and use the local institutes for funding. Also the Cultural Attachés (at the Dutch Embassy in the country where the project will take place) can be very helpful.

¹ In 2001, MUZtheater, together with the Berlin-based carousel Theater an der Parkaue, initiated the Magic-Net project. For three years, fifteen theatre companies from all over Europe will literally be taking their national classics across the border. All participants will annually make a working visit to a fellow company abroad and, in turn, will act as a host to another European theatre company. During these exchanges the classics of the host country are jointly explored and staged, and insight is given into the respective work methods. There are also workshops for directors, actors, educational staff, students of theatre schools and secondary education students and teachers.



Freek Bloemers remarks that an evaluation after the project is very important. Most of the time there is no time or money left to organise an evaluation. His advice is to invite students to write a report about the project.

Tips and tricks contributed by the participants of the workshop:

- Make clear at the beginning of the collaboration which bookkeeping system you will use. National rules are different in every country, you have to find common ground.
- Make clear at the beginning of the project how you will divide the money. Be very optimistic about the expense and pessimistic about the income.
- Do not estimate but check everything as carefully as possible.
- Make the preparation of your international project part of the daily work. Take some time to write your worst case scenario.

Yvette Gieles summarises the conclusions of the workshop:

- Do not reinvent the wheel
- Check every detail thoroughly
- Be realistic
- Pay attention to your social skills; they can solve problems your financial skills cannot.
- Invest in your local network, ask your partners and colleagues for advice

Workshop 3 Crossing Borders in Europe: visas and work permits

An overview of rules and regulations in a united Europe: from visa regulations in relation to countries on the new European border, to barriers for working in an open Europe.

Moderator Ulla Nyberg (CCP Finland)

Panel members: Inez Boogaarts (Director SICA), Maria Markovics (Ministry of Internal Affairs Austria), Wojciech Kalamarz (permanent representation of Poland in Brussels)

Moderator Ulla Nyberg invites the participants to take an active part in the discussion, so that the workshop can provide an overview of good and bad practices.

Inez Boogaarts presents the situation regarding visas and work permits in the Netherlands. Free movement of artists is stimulated, on the one hand, by the international cultural policy of the Dutch government. On the other hand, this mobility is hindered by rules and regulations from the very same government, concerning both the immigration laws and the labour market.

SICA became involved in this subject about three years ago, when an increase of questions concerning visa applications for foreign artists coming to the Netherlands was noticed. Dutch cultural operators reported problems in obtaining visas as well as work permits. SICA developed an information service and a training course for these cultural operators, but soon it became apparent that this could not solve all the problems.

SICA had to separate the practical questions on procedures (How does the application form work? What comes first, the visa or the work permit?) from the more political ones (Why are the procedures for problem countries more difficult than for other countries?).

The practical issues were dealt with in extensive training programmes, as well as at the information service from the SICA helpdesk. SICA published a handbook which deals with all relevant procedures for obtaining visas, work permits and residence permits, and explains how these procedures influence each other.

The political issue still remained to be tackled. For this purpose, SICA set up a Taskforce (Artists and Visa) together with Trans Artists and the **Federation of ****. The responsible institutes CWI (labour market and employment) and IND (immigration office) also take part in this Taskforce, as well as representatives from the Ministries of Justice, Social Affairs, Education, Culture and Science (OCW) and Foreign Affairs, and umbrella organisations from the Dutch cultural sector. In bringing together the ministries involved, and getting them to discuss the problems and solutions with the cultural operators themselves, SICA hopes to contribute to long-term adjustments.

Maria Markovics, head of the department for Residencies of the Ministry of Internal Affairs from Austria, explains the so-called 'Austrian' model, in which artists have a very special position when it comes to applying for visas and work permits for Austria. The difference between the situation in Austria and that in most other EU countries is that in the Austrian constitution, freedom for artists is guaranteed. Based on this rule for artistic freedom, most rules for visas and work permits do not apply to artists, or artists obtain their documents more easily, depending on their special status.

General outline of immigration rules in Austria:

In the Aliens Act, the 'title' of a person, depends on the purpose of their intended stay in Austria (titles include for example artist, student, key-personnel etc). This title determines which procedure will apply. In general, a so-called 'stay permission' is needed for a short stay in Austria, and a 'residence permission' for a long stay. If a person comes to work, a working document is needed before either the stay or residence permission can be obtained. But a student, for example, can

only apply for stay permission (not for residence), whereas key-personnel can only obtain residence permission (not stay). Furthermore, certain quota exist for certain titles (no more than a certain number of key personnel will be admitted to Austria a year).

Free movement of artists is considered very important to the cultural sector, therefore it must be easy for artists to obtain their residence permit and work document. In principle, these documents cannot be denied, unless there are other interests at stake which are more important than the artistic value, for example public interest or national security.

The exception for artists, based on their special position in the constitution, lies in the fact that everything is possible. Every single case will be assessed per se.

If an artist comes to Austria for a maximum of 3 days, no residence title or work document is required. If an artist comes for max. 4 weeks, he will get a stay permit; a work document is not required.

If the artist comes for a longer period, he can obtain either a stay permit or a residence permit (the choice is his) and a work document. These documents cannot be denied: when a foreign artist takes up work in Austria, the Labour Market Service will not investigate whether there are Austrians who could do the same job. The labour law does not apply to self-employed artists. However, if they can prove they are artists, the same rules and exceptions apply to them as well.

The law clearly defines the term artist: musician, performing artist, dancer, painter, etc. The manager of a theatre falls under these laws, technicians, stage hands, secretaries etc do not. The Austrian Ministry of Foreign Affairs concludes that the system works, because they do not receive any telephone calls with questions or problems. Furthermore, it has furthered cultural exchange.

Ruud Ierschoot of the Dutch Ministry of Culture, and member of the Artists and Visa Taskforce, explains that in order to be able to make an exception for artists in the laws on work permits in the Netherlands, the Ministry of Social Affairs has asked the cultural sector to define the term artist in such a way, that it becomes evident why artists need an exception to the general rule. It is very difficult for the Taskforce to come up with such a definition, because we have to prevent everybody from calling themselves artists and applying for visas to the Netherlands. A redefinition of cultural practitioners is needed.

Marcelline Loudon of Kunstenaars & Co says, the wheel should not be reinvented. In tax regulations, artists already are a separate category (artist tax, Dutch 'Artiestenregeling'). The definition of artist in tax laws could be adopted for visa laws as well.

Wojciech Kalamarz from Poland was invited to illustrate the problems concerning visas and work permits in a new EU country. Poland is on the new EU border. The relationship between Poland and, for example, Belarus or the Ukraine has always been very intense. Has the Polish accession to the EU changed this and does it cause new problems in the field of visas?

The EU imposes visa regulations upon the member states. The new member states had to adopt the EU visa regulations at least half a year before the accession date, i.e. 31 October 2003.

Member states are not allowed to make exceptions, even if this means that some nationalities will require a visa to enter Poland (for example) which did not need entry papers before.

The accession to the EU created new borders between old neighbours. Throughout the ages, difficulties have existed between Poland and the Ukraine. For regional stability in Eastern Europe, a strong relationship between the two countries, and therefore, mobility without obstacles, is necessary. When Poland started negotiating the accession to the EU in 1998, the consequences were visible immediately. Migration between Poland and the Ukraine became less, and

unemployment in the border region increased, because fewer Polish workers were allowed across the border to take up jobs in the Ukraine. To counteract EU regulations and ensure a good relationship with the non-EU neighbours, Poland took the following measures:

- a multiple entry visa became available
- Poland opened 12 new consulates in Belarus, the Ukraine and Russia
- the visa department of all embassies and consulates in the neighbouring countries have more personnel
- visas are issued on the same day, so applicants do not have to come back again.

Poland also has exceptions to the general visa rules, for artists:

- performing artists and staff belonging to the production do not need a work permit, if they come to Poland for a period of 30 days (per year) max.
- foreigners who are employed in Polish cultural institutions, do not need a work permit

The participants in this workshop conclude that the following obstacles to mobility exist when it comes to visas and work permits:

- artists do not have a special position (like for example, in sports or science) within the aliens laws of the EU countries. Austria is the one acknowledged exception.
- the practical issues connected with obtaining visas and work permits for foreign artists cost money and time
- visa rules are extremely complicated, and are subject to change quite often.

The following recommendations were discussed:

- EU rules concerning visas should be more harmonised. EU policy should make it EU responsibility and not leave it to the member states to fill in the blanks.
- A constant flow of information is needed, so that cultural operators know where to find it. SICA is a good example (the guide published, and the information service provided by the SICA helpdesk). In the UK, Visiting Arts published similar guides (for performing arts and visual arts separately).
- Pearle (European Employers Association) is drawing up a statement on mobility, in which they recommend that applications for work permits for artists, should no longer be tested against the available workforce in the country of the employer.

Workshop 4 Artist tax: an introduction

Introduction on international artist tax rules.

Moderator: Dick Molenaar (All Arts tax consultants)

Panel members: Harald Grams (lawyer and tax consultant, Germany), Roel van de Ven (Ministry of Education Culture and Science, the Netherlands)

The basics of international taxation and the problem with it, are as follows:

- A The home state taxes citizens on their worldwide income (no matter where it is earned)
- B The source state (i.e.: where the work took place) taxes on the source income
(this is partly the same income as A)

The result of A and B is that international double taxation is possible.

Because international double taxation obstructs economic development between states, international tax treaties have been developed since the 1920s. These treaties allocate the tax right on specific income items, which means that one country has the right to levy tax and the other country grants tax exemption or a tax credit.

These treaties differed greatly, therefore, the first OECD Model Tax Treaty was drawn up in 1963, trying to harmonise the different treaties that contained different provisions.

Two articles in the OECD model set the standard concerning taxation of income earned abroad:

Art. 7 states that companies and self-employed workers are taxed in the country of residence, unless they have a permanent establishment or fixed base in the country of work. This means a Dutch company selling clothes in Belgium from an office based in the Netherlands, is taxed in the Netherlands. If this same company sells clothes in shops in Belgium, and profit is made in these 'branches', the company is taxed in Belgium - and the Netherlands will give a tax credit.

Art. 15 says: employees are taxed in the country of work, unless the employer is based in the home country, the salary is paid in the home country or he/she spends less than 183 days in the country of work.

However, because of this rule artists and sportsmen are suspicious because they are very mobile - and they can easily pretend to live somewhere else (for instance, in Monaco where there is no income tax). Therefore, another article had to be added to the OECD Model of 1963 to address this. The Belgium-Netherlands Income and Capital Tax Treaty, article 17 states that 'income earned by a resident of a Contracting State, from personal activities as such carried out in the other Contracting State, as an entertainer, such as a theatre, motion picture, radio or television artist, or as a musician, or as a sportsman, *may* be taxed in this other state.'

This brings back the chance of double taxation. This is why Article 23 is called 'Methods for Elimination of Double Taxation'. It arranges tax exemption or tax crediting in the home country.

In 1977 an addition was made to Art. 17, which states that not only payments to artists and sportsmen, but also to third parties are taxable in the country of performance. This means that a theatre company can be taxed twice.

All this seems to be based on what is expressed in a 1987 OECD Report; and might be called a clear expression of mistrust. This is the why of Art. 17: why performing artists are an exception. The report concluded that in the case of international performing artists:

- there is clear evidence of non-compliance

- they rarely disclose casual earnings
- sophisticated tax avoidance schemes, many involving the use of tax havens, are frequently employed by top-ranking artists and athletes
- relatively unsophisticated people – business-wise - can be precipitated into great riches
- travel, entertainment and various forms of ostentation are inherent in the business and there is a tendency to be represented by adventurous but not very good accountants ².

Another problem is that the treaty does not provide a rule about deduction of expenses. Because indirect expenses are difficult to deduct (for instance the costs of a tour), it is for the contracting state's domestic law to determine the extent of any expense deductions. Domestic laws differ in this field, and some provide for taxation at source, at a low rate based on the gross amount paid to the artists.

However, apart from the fact that taxes are deducted from the gross fee, another problem is that the country of performance rarely issues a tax certificate. This means: back in the home country you may be taxed twice. This can be rather complex, for example, in the case of an orchestra; how should this be processed in the salary records?

However, in the Netherlands a tax refund for foreign performers that performed here is very likely. All Arts estimates that 95 % of the foreign artists who perform here only pay 1 % of their salary as tax in the Netherlands. This is partly due to the fact that most internationally performing artists have high expenses; after research by All Arts in the Netherlands between 2001 and 2003 it turned out that most of the performers had expenses of 76% ³. Deduction of expenses before the performance has, so far, only been possible in the UK, the Netherlands and Hungary. A normal Income Tax Return is only possible in the UK, the Netherlands, France and Hungary.

It should be noted here, that most artists are not aware of these regulations to avoid double taxation or cannot afford a tax advisor who knows all about this. How to obtain the right forms? How to get the right information about the different countries? All Arts made an overview of the artist tax rules in various countries, both in the European Union and in other countries. Most countries tax artists, but there is a big difference in the possibilities for deduction of expenses, the withholding rate etc. etc.

There is another addition to the Art. 17, this is Art. 17.3. This states that there will be an exemption from tax in the country of performance, if the performance is subsidised by public funds of the other contracting state, or if it is a cultural exchange or a cultural agreement, or a part of these. This addition is not included in all tax treaties, but some countries use this exemption very frequently. The Netherlands and Belgium have this paragraph; Germany and Poland used to have it, but not anymore.

The USA has its own US-treaty, which uses the *de-minimis* rule: small artists only get taxed in the country of residence.

Conclusion:

There are special tax rules for performing artists: the right to levy tax is allocated to the country of performance, the tax exemption or tax credit is in the country of residence. Problems:

² § 7 and § 8 of the 1987 OECD Report

³ The research also pointed out there's a big variation between low and high expenses.

- In the country of performance
 - there is no deduction of expenses
 - there is no normal income tax return
- In the country of residence
 - it is unclear how, or difficult to achieve the tax credit or tax exemption

There is also some good news:

- In more countries than expected, Art. 17.3 is included (tax exemption when performance is subsidised by public funds or when it is cultural exchange or agreement)
- US-treaties have the *de-minimis* rule and a limited approach towards Art. 17.2
- Some countries have national exceptions (for instance, the *Orchesterlass* between Germany and Austria)

Workshop 5 Artist tax: discussion on possible long-term tax changes

Discussion about possible improvements in the tax situation for artists in Europe.

Moderator: Henk Voskamp (Dutch Ministry of Foreign Affairs)

Co-assessors: Dick Molenaar (All Arts tax consultants), Harald Grams (lawyer and tax consultant, Germany), Roel van de Ven (Ministry of Education Culture and Science the Netherlands)

The current tax situation for artists in Europe is taken as the starting point for the in-depth discussion about possible improvements. Organisations experienced in tax regulation participated in this workshop discuss recommendations drawn up by the moderators, on their practical usefulness and importance.

What is the current tax situation?

Although international cultural taxation was introduced in another workshop (see extensive report on workshop 4), Dick Molenaar introduces the current situation briefly. In conformity with OECD recommendations artists and sportsmen are taxed in the country where they perform. In the country of residence their world-wide income is also taxed at the end of the year. Only part of the tax paid in the country of performance is deductible in the country of residence. This is the result of tax paid on the gross fee in the country of performance and in many countries tax can only be credited up to a maximum of the average tax rate, which is a percentage of the fee minus the expenses. An excess of taxation results (double taxation).

Two problems should be mentioned in this context: (1) the fact that expenses cannot be deducted in the country of performance, and (2) the country of performance does not always give the artist a document to prove that taxes were paid, so then it is difficult to convince Dutch tax officials.

Direct reasons for discussing this subject EU-wide are probably:

- Study of mobility and fee: movement and mobility of people and products in the cultural sector. University of Paris, April 2002. This study says that taxation rules hinder mobility in the cultural sector because of the excess of taxation and the lack of information about the different rules in the different countries.
- *Arnoud Gerritse* decision June 2003 (c-234/01). The European Court of Justice decided that non-deductibility of (production) expenses prior to the performances of foreign artists in Germany is in breach of the freedom principles of the European Treaty. In Germany, foreign artists are worse off than German artists, the non-deductibility of (production) expenses is an obstacle to enter the German market and should not be accepted within the EU. Nevertheless, other countries have not allowed the deduction of expenses yet, and are in conflict with the European rules.

To open the discussion in the workshop three questions were asked:

- Do you see differences as barriers
- Can you present a case as an example of good practice
- Do you have suggestions for solutions

Moderator Dick Molenaar presents the first case. Two different bills of a theatre group have two different amounts of VAT (Value Added Tax) for performances in Spain. Problems like these arise with the exceptions for cultural institutions; for example, in countries where artists are considered as employed instead of self-employed.

Subjects that were discussed in this workshop:

- Non-deductibility of expenses for foreign artists in the country of performance, is not in accordance with equal treatment of EU citizens. Because all countries have their own national responsibility and tax legislation, only non-discrimination laws can be used to achieve deductibility of expenses. (a new tax rule would solve problems, too, but this is absolutely out of the question.)
- A problem is the gap between the decision of the EU court (see the *Arnoud Gerritse* decision) and the implementation of the decision in the EU countries. Decisions of the EU court are legally binding and nevertheless EU countries are still able to deny this. What could lead to real changes would be to come up with good examples to have the subject put on the agenda. Therefore, it is important to give publicity to cases in which the problem of unequal treatment in tax legislation occurs. Write to the European Commission with complaints and questions (and send a copy to D. Molenaar and H. Grams). The Dutch government is going to put the subject on the EU agenda. This will probably not lead to immediate changes, but will take years.
- The same applies to the *Matthias Hoffman* case (c-144/00) about VAT (Value Added Tax) exemption. Mr Hoffman was a concert promoter who organised a world tour of three great solo singers (non-German artists). For the two concerts in Germany Mr Hoffman did not charge VAT, treating the concerts as VAT exempt cultural activities. Individual performers can be seen as similar to organisations. They provide certain cultural services, and therefore they could benefit from the exemption from VAT. The decision must also be implemented in tax laws of the national member states.
- There is no guideline how to minimize taxation because in every country rules are different. There is a lack of information about tax systems in the different EU countries. One way of solving this problem and the cheapest way to get advice about tax in complicated situations, is to write a letter to the EU court. Another solution is a guideline on rules and legal possibilities from the Dutch side. (ELIA made an EU standardisation for education.)

Conclusions and recommendations:

- 1) Report from the University of Paris (April 2002): the extreme diversity in tax legislation restricts mobility of performing artists in the European Union. The discussion at the SICA Conference has confirmed this.
- 2) **Deduction of expenses:** most EU-countries do not allow the deduction of expenses for non-resident artists. This broadens the basis for taxation and puts the non-resident artists in an unequal position towards resident artists. Exceptions are the UK and the Netherlands. The European Court of Justice ruled in the *Arnoud Gerritse* decision (12 June 2003, C-234/01) that non-deductibility of expenses is not in accordance with the EU Treaty. Recommendation: Advise the member states to implement the *Arnoud Gerritse* decision into their tax legislation for non-resident artists.
- 3) **Lack of information:** There is too little information about the various tax provisions applicable in EU countries. This is a factor that inhibits the organisation of tours in Europe. Recommendation: Create a database of information about national artist tax systems, rates, allowances, exceptions and refund procedures.
- 4) **VAT exemption:** Most EU countries have VAT exemption for cultural institutions. This also needs to apply to non-resident artists performing for these institutions, either as a group or individually. But most countries do not recognise this and charge VAT from the exempted institutions on the performance fees of non-resident artists. The European Court of Justice ruled in the *Mattias Hoffmann* decision (3 April 2003, C-144/00) that this is not in accordance with the EU Treaty.



Recommendation: Advise the member states to implement the *Mattias Hoffmann* decision into their tax legislation for non-resident groups and individual artists.

Workshop 6 Social Security in Europe

Within the EU a blanket regulation regarding social security exists. In practice, this sometimes restricts the free movement of cultural operators. In this workshop, practical solutions for existing problems are discussed from different European perspectives.

Moderator: Judith Staines (independent arts consultant, UK)

Panel members: Berend Jan Langenberg (professor at Erasmus University Rotterdam; teaches economic aspects of arts and culture); Thomas Dayan (Assistant General Secretary of the International Federation of Musicians; FIM)

The workshop was used for information exchange at different levels.

Within the EU, citizens are allowed to move and work freely in the different member states. But because laws and regulations with effect on mobility of workers are nationally based, and different in almost every country, it is still not common to work in other EU countries and it is difficult to manage.

A huge fear exists for 'down-levelling', the so called 'social dumping' of workers in the arts: if all laws that protect the labour market of the separate member states were abolished, this would cause enormous competition in the arts, especially in the performing arts, as cheap labour would become more available. On the other hand, this would also mean more freedom for artists to move.

Berend Jan Langenberg explains that employers, as well as unions are worried about the relationship between mobility in the EU and social security systems in the individual member states. Their worry concerns the barriers caused by complicated regulations, as well as the down-levelling in terms of employment.

What are the issues that need to be discussed regarding social security and mobility in the EU? The workshop mainly discussed the financial aspects of social security. Funds that deal with this side of mobility are either part of the government budget, or they are financed by insurance companies. Social aid is mostly financed by the government, the rest of the social security is predominantly covered by insurance companies. The regulations in social security deal mostly with insurances, i.e. Who pays for them? There are different answers to this question, depending on whether you are an employee or a self-employed artist. The self-employed artist pays less. The Netherlands have a special regulation for performing artists: de *Artiestenregeling*. This regulation makes the answer even more difficult.

The main EU rules on social security are:

1. EU citizens can only be insured (and only pay) in one member state
2. Employees are insured (and pay) in the country in which they work
3. Self-employed workers are insured (and pay) in the country in which they work

These rules are complicated because of the exceptions:

1. If the company you work for (the employer) is based in your own country, then you are insured (and pay) in your country. For example when you are employed by a Dutch theatre group and this group is on tour in another country.
2. If you work in different member states during the same period you are insured (and pay) in your own country.
3. The EU intends (proposed EU directive) to adopt the principle that social security contributions are paid in the country of origin for self-employed services.

So these main rules and exceptions lead to the fact that most touring artists (working in different member states) are insured (and pay their social contributions) in their own country.

The participants of the workshop discuss 3 major problems resulting from this system:

1. The distinction between 'insurance against unemployment' or 'not insured' in the arts is not always synonymous with the distinction between being employed or self-employed. Does this ambiguity also exist in other countries than the Netherlands? Do we need it in other EU countries as well?
2. The principle of paying social security contributions in your own country interferes with competition in the arts: with the risk of a down-levelling of conditions of employment ('social dumping'). What can we do about it?
3. In social security there is no special EU regulation for artists (as there is for income tax): do we need one?

Thomas Dayan presents a study carried out by EAEA and the University of Paris, on obstacles that hinder free movement of artists, and cultural productions in the European Union.

Most performing artists have the opportunity to work abroad under a great disparity of employment and social security schemes. Their international career consists of a succession of short-term contracts with various contractors.

The same performing artist can be considered either as an 'employee' or as 'self-employed', depending on the country where he or she performs. For example France favours the status of employee, whereas other countries favour that of self-employed worker. The artist's situation may, therefore, vary according to the country he goes to. In addition, in some EU countries, a worker does not need to be considered an 'employee' protected by labour legislation, but can still benefit, either totally or in part, from social protection for employees.

These are the obstacles to artist mobility with regard to social protection:

- loss of entitlement to unemployment benefit and pension payment;
- absence of insurance for work-related accidents;
- loss of entitlement to paid leave;
- problems involving payment of contributions (pension, social security, unemployment), due to the lack of co-ordination between the national organisations concerned.

The EU has not defined a specific status for artists, and the different member states deal with this in different ways. Because of this, the level of social protection for artists who perform abroad, is relatively low. Mobility within the EU is seriously affected by this.

Unlike employees, self-employed workers, in principle, have no protection against work-related accidents. They are, of course, free to take out private insurance, but this means they will have to for it themselves. Also, self-employed workers are generally not entitled to paid leave.

There is a growing tendency amongst employers to sign contracts with self-employed artists, partly to avoid the payment of social security contributions. This tendency is encouraged by the very high unemployment rate amongst artists.

A majority of the new member states have opted for the incorporation of self-employed persons in the social protection schemes that are in place for employees, including the unemployment insurance scheme. There are, however, numerous exceptions to this general principle. In the Czech Republic and in Slovakia, for instance, self-employed workers are excluded from the

accident at work and occupational illness insurance schemes, and have to take out private insurances. Pensions are a very problematic issue for cultural workers in general. Due to frequent periods of unemployment, cultural workers often do not meet the qualifying criteria for a full pension as they may not have paid contributions on a regular basis. In addition, occupational illnesses are often not recognised as such.

The study of the EAEA recommends the following:

1. A radical effort to pave the way for co-ordination of the social status of cultural workers in Europe is needed
2. A 'one-stop shop' should be established to deal with all the procedures for employing artists and cultural workers, national and non-nationals alike.

Documents

- European Council of Artists (ECA), *Nobody Promised You a Living – Overview on the Position of the Artists in ECA Member Countries*, 1999/2000. <http://www.eca.dk/>
- ERICarts (eds), *Creative Artists, Market Developments and State Policies, Background paper for 'Conditions for Creative Artists in Europe'* EU Presidency Conference in Visby, Sweden, 2001. http://www.eu2001.se/culture/eng/docs/report_visby.pdf
- McAndrew, Clare, Artists, taxes and benefits – an international review, 2002, Arts Council of England
http://www.artscouncil.org.uk/information/publication_detail.php?browse=title&id=132&page=2
- Staines, Judith, *Tax and Social Security: a basic guide for artists and cultural operators in Europe*, 2004, IETM / On-the-Move web portal article. <http://www.on-the-move.org/documents/TaxandSocialSecurity.pdf>
- UNESCO, *Table Comparing and Contrasting Employment Regimes and Social Benefit Systems of Artists Around the World*, 2004, UNESCO World Observatory on the Social Status of the Artist.
http://portal.unesco.org/culture/en/ev.phpURL_ID=22643&URL_DO=DO_TOPIC&URL_SECTION=201.html

Organisations and web portals

- *L'Accueil des Artistes Etrangers en France* – Artists from Abroad. Employment regulations, tax, social security etc. for artists from overseas working in France. Texts in French.
<http://www.artistes-etrangers.com>
- Compendium: *Cultural Policies in Europe*. Information system on cultural policies and trends in Europe. Country reports with details of 'Social and Economic Frameworks or Measures for Freelance Artists' (chapter 5)
<http://www.culturalpolicies.net/>
- MISSOC: Mutual Information System on Social Protection in EU Member States and the EEA. Comparative tables of social protection rights and payment systems. Social protection of the self-employed is provided as an appendix to the main reports.
http://europa.eu.int/comm/employment_social/missoc/index_en.html
- www.ietm.org <<http://www.ietm.org>> (Publications)

Workshop 7 Funding: how and where to get started?

Workshop for organisations with little experience in working internationally. Where to find information and whom to consult if you are looking for funding?

Moderators: Attila Zongor (CCP Hungary) and Annemarie Haitsma (SICA helpdesk)

Attila Zongor asks the participants, which difficulties they have encountered when dealing with funding applications. The answers vary from 'we started too late', 'we didn't do our homework', 'the application process is overwhelmingly scary', 'the time factor is very important', 'I don't know where to start', to 'for a project in China we were financed by the Chinese government in the end', or 'we got funded by private sponsoring'.

Annemarie Haitsma gives a few suggestions for beginners:

1. Make sure your project is good and has a sound objective.
2. Find information on how to start and how to finance your project. Try to find a co-financing partner, for instance the Arts Councils, regional authorities, sponsors.
3. You cannot get support for one project from different EU funds. However, if participants in one project come from different countries, they can apply individually for funding from their own country's funds.
4. In the preparation phase of the project, ask yourself these questions:
 - Why do you want to go abroad?
 - What do you want to bring to that country?
5. Conduct market research: is the country where you want to work or perform, interested in your project?
6. Try to find a partner in the country
7. Find out which laws apply for visas, taxes, work permits.
8. Marketing and PR are very important. Keep in mind that different views apply to different countries.
9. Have a clear idea of what should be in the budget. Take into account: transport, tickets, interpreters, secretaries etc. You cannot go back to ask for additional funding.
10. When you start looking for possible funds, look at your project from a geographical point of view, national or international; a sectoral angle, for instance jazz music, modern dance etc; what is the theme, youth, educational, Dutch Freeport philosophy.

Some figures on the Culture 2000 Programme.

- for the one-year projects the support cannot exceed 50% of the budget, and cannot be less than 50,000 Euros, or more than 150,000 Euros per year.
- for the longer-term projects the support cannot exceed 60% of the budget and cannot be more than 300,000 Euros per year.

For projects in the Nordic countries - Denmark, Norway, Sweden, Finland, Iceland including Greenland and Faroer Islands consult www.norden.org

For projects in Middle Europe consult www.eurocult.org

The European Cultural Foundation distributes funds on themes to newer countries of the EU, and the new neighbours, such as Turkey and Belarus. They are always looking for new initiatives.

For initiatives in Central Europe - Croatia, Serbia, Hungary and many other countries consult www.cei.org

For projects in Southern Europe consult www.euromed.org



All projects of Culture 2000 need to have a EU dimension. Find a project that does not work on a national level, but on a European level. A good example is the project to photograph a recently discovered Roman fort under the Danube River. Foreign countries contributed to funding for taking underwater pictures. This co-operation had a reason in the past, six countries provided experts in the present, which in turn provided strong contacts for the future.

The Belgian CCP participant remarks that when you apply for funding, you should have your text revised by a translator. Other participants argue that you should use simple language and short headings, as people might get bored otherwise. They conclude that the application text must be as clear and precise as possible about the content of the project. Expert panels choose the projects, they know where the great ideas are, and can see through the wording and machinations.

Workshop 8 Discussion on the implications of Mobility

Discussion about the importance and consequences of free movements of artists. Presentation of conclusions of earlier conferences on international mobility, and on the outcome of the SICA expert meeting on 7 October. How can the solutions to increase mobility of European artists and cultural organisations be directed towards concrete changes?

Moderator: Hans Maarten van den Brink (journalist and Director Witte de With, Centre for Contemporary Art)

Panel members: Mary Ann DeVlieg (Network co-ordinator and Secretary General Informal European Theatre Meeting, IETM), Geoffrey Brown (EUCLID), Catherine Boothman (CCP Ireland), Ilona Kish (European Forum for the Arts & Heritage; EFAH), Martin Prchal (Association Europeenne des Conservatoires; AEC), Gotfried Wagner (Director European Cultural Foundation; ECF)

Over the past ten years, mobility has been a subject of numerous debates and studies, initiated by many individuals and networks, both in a European context and globally. This conference, *Artists on the Move*, can be placed in a grand tradition. But why are we still talking about this subject and what is at stake when discussing mobility?

When talking about mobility, the discussion usually focuses on the following issues:

1. The definition of mobility. Mobility means many things to many people. The cultural field is getting closer to a more precise definition and the role of the European Commission (EC) seems to be legitimised by the fact that it furthers the circulation of people and goods.
2. Information. A lot of information is already available, yet some is hidden or, in the case of specific legal expertise, expensive.
3. Funding. Mobility requires money, but who is ready to pay for what?
4. Need of public awareness. Mobility can be seen as a process, through networking, artistic creation, diffusion, empowering. Mobility can lead to a learning loop, through which knowledge, new ideas etc. are disseminated, and sustainability in networks and co-operation at various levels, may emerge.

Despite the fact that a lot has been achieved, mobility is still an issue that needs special attention. There are several impediments to cross-border mobility. The most important ones are regulations of various kinds (for instance regulations on visas, work permits and tax), and national (cultural) policies that tend to endorse a national focus, and therefore seem to turn a cold shoulder to the rest of the world.

A question of PR? Mobility in itself is not a controversial topic, but whereas the EC appears to be convinced of the relevance of mobility, national governments are getting nervous of its requirements and consequences. Despite all reports and debates, the cultural field has not yet found the appropriate 'sound bite' to provoke the full and serious attention of policy makers. And why should we get special attention? What makes cultural mobility different from any other kind of mobility? The cultural field does not ask for anything extra. Creating opportunities for cross-border mobility through policy and suitable means would be a significant recognition of the value of international cultural co-operation.

Everybody in the cultural field realises that now the time is right. Supporting mobility is a crucial objective in the proposed Culture 2007 programme, it seems it is time for a real breakthrough.

However, the word 'mobility' tends to become a mantra that is often repeated by many without questioning purpose and consequences any longer. The cultural field should take care of the 'sustainability' of the term mobility.

To obtain the full attention of policymakers, you have to define clear objectives. A Cultural Affairs Committee (CAC) member in the audience states that civil servants need to concentrate on feasible targets. They need to receive information from the cultural field. One of the more critical reactions to this statement is that some information providers do not consider the CAC useful (but what do they do with the information? Their meetings are closed sessions, proceedings of those sessions are not public).

Role of networks

Questions remain regarding the tools for mobility. For example, about the position of cultural networks. Should the new Culture 2007 programme support networks, or just the output that networks can deliver? Networks are not only information and service providers, they also serve as communities.

Role of information

Can the European Cultural Foundation Laboratory fill the gap? Is a centralisation like this possible at all levels? Creating a 'one-stop shop', requires sound co-operation between all levels (everybody has a piece of information and together they can form a tasty cake?). Is this a realistic expectation? Some people are very optimistic. Some people think that mutual understanding between the different institutions and actors (EC, member states and the cultural field) has never been better. Some are less optimistic. All the actors involved in the co-decision procedure co-operate very poorly.

A lot of information is not readily available. This concerns specific cultural information about funds and mobility programmes, but also overall issues like artist tax, social security, visas and work permits. We would like to recommend a structure enabling that this information can be easily found, not necessarily by creating a new organisation, but by integrating an extensive information task into the already existing EU structure. The information given should not only be at EU level, but should also contain characteristic national level information.

Action Plan for Mobility in the Cultural Sector:

The European Commission should support the immediate creation of an *Action Plan for Mobility in the Cultural Sector* as formulated during the Sharing Cultures conference in July 2004, with timetabled objectives, shared input and shared responsibilities, including sustainable financial engagements from the member states, the European Commission, private sector (foundations) and civil society actors (networks, NGOs, unions).

Final Panel Discussion

Moderator: Stephen Hodes

Panel members: Mary Ann DeVlieg (network co-ordinator and Secretary General Informal European Theatre Meeting, IETM), Dick Molenaar (All Arts tax consultants) Judith Staines (independent arts consultant, UK)

This final discussion will consist of the following sections:

- Conclusions and recommendations to take to Brussels
- Suggestions
- Questions
- Wrapping up

Dick Molenaar reports on the workshop *Artist Tax*:

Earlier in 2000, the EU Council published a report on mobility. The taxation part is clear: double taxation is not supportive to artist mobility. The diversity in tax legislation restricts the mobility of artists in the EU.

1. Deduction of expenses. The *Arnoud Gerritse* decision at the European Court of Justice (12 June 2003, C-234/01) ruled that the non-deductibility of expenses is not in accordance with the EU treaty. Apart from in the UK and the Netherlands, non-resident artists are not allowed to deduct expenses, so they are at a disadvantage compared to resident artists. Other EU countries do not seem to have taken any notice of the *Arnoud Gerritse* decision.

Recommendation: advise the member states to implement the *Arnoud Gerritse* decision in their tax legislation for non-resident artists as soon as possible.

2. Lack of information. The tax provisions in member states are unclear. There is an urgent need for information.

Recommendation: The EU should support the creation of a database to obtain information about artist tax systems, rates, allowances, exceptions and refund procedures.

3. VAT exemption. Most EU countries have the possibilities of VAT exemption for cultural institutions. This should also apply to non-resident artists: individuals or groups. Most countries do not recognise this, and charge VAT to the exempted institutions for performance fees of non-resident artists. The *Mattias Hoffmann* decision (3 April 2003, C-144/00) ruled that this is not in accordance with the EU treaty.

Recommendation: advise all member states to implement the *Mattias Hoffmann* decision into their tax legislation for non-resident groups and individual artists as soon as possible.

Judith Staines reports on the workshop *Social Security in Europe*.

The following issues were discussed:

- Lack of information: there are liaison bodies in every country, but there is uncertainty about its representatives and where and how they can be found.
- Social security arrangements vary from country to country.
- The different levels of social protection for employees, and freelancing or self-employed artists. The latter have a considerable lower level of social protection than employees.
- The *Barry Banks* case should be implemented in the social security regulations of all member states. *Barry Banks/Théâtre de la Monnaie* decision (2000, C-178/97): if an artist is self-employed in his country of residence, this status should be respected in the country where he works temporarily.

Mary Ann DeVlieg reports on the workshop *the implications of mobility*:

The conclusions are that:

- Information on mobility inside and outside the EU is not sufficiently accessible.
- We need clear, precise and measurable objectives
- These should be expressed at a political level
- We need to lobby
- We need high profile spokespeople
- We need a single name or brand.

Recommendation: We demand a formal 'concertation' process (consultation and co-operation) between EU levels and member states. The form in which this can take place could be the interesting model the education sector set up. It already exists, everybody has agreed on it, the cultural sector could just copy it.

Questions and remarks from the audience:

Michael Nieuwenhuizen, Donemus, representing Dutch composers:

Our recommendation is lobbying for, developing and implementing mobility programmes. Keep in close contact with regional sectors, as they have relevant expertise.

Anita de Baere, Performing Arts Employers Associations League Europe (PEARLE) :

Social security matters a lot. The more information we get, the stronger we can raise our voices.

Recommendations:

- We need direct access to European institutions
- Performing arts is the sector where mobility is at stake the most. We have a strong case here. Pass the message on to the EU that we need special provisions for the arts regarding social security and taxes.

Dick Molenaar replies: Artist taxation is a separate issue in treaties. It is a sexy subject: taxation of artists and sportspeople. The problem is that it is also a very small issue. Our experience is that tax experts think they can deal with this in an experimental and simple way. So we are not taken seriously enough. We need to fight for it.

Catherine Boothman of the Irish CCP: we need to incorporate all the points made in the conference in Cork, Ireland (May 2004):

- Establish a system of regular and full consultation
- Develop a matching EU fund

Geoffrey Brown reports on the workshop *Expanding horizons*:

Recommendations:

- There are other countries outside of the EU
- There is a plethora of portals of information sources. The emphasis should not be too much on websites, but we should give tangible information to people.
- Individual artists are hijacking mobility. Group mobility is also very important, and should not be ignored.

Judith Staines: We need to get to a more practical discussion about mobility. It takes years to develop a view on mobility, but now we have come to practical solutions. We are here now for a reality check. There is real work to be done which should be taken seriously.

Mary Ann DeVlieg (IETM): let's not miss this opportunity, we will not have the chance again!



Conclusion by Inez Boogaarts, Director of SICA:

Sharing information is very valuable. On the one hand, we sometimes have a lack of information on specific issues, countries or details; on the other hand, there is too much information. The important thing is for all levels to co-operate as much as possible. However, producing recommendations is quite tricky. We should be realistic; this conference was perhaps a small step for humankind, but certainly a giant step for 'artistkind'.