

## A questionnaire for the online consultation of cultural stakeholders on the future Culture Programme

<b>Meta Informations</b>	
Creation date	15-12-2010
Last update date	
User name	null
Case Number	455612556072134910
Invitation Ref.	
Status	N
<b>SECTION 1: ABOUT YOU</b>	
1.1 Please state your name (surname, first name)	GIART International Organisation of Performing Artists
1.2 Please state your email address	giart@chello.be
1.3 In which country are you located?	BE Belgium
1.4 Have you heard of the European Union's Culture Programme 2007-13 before?	Yes
1.5 Have you or your organisation benefited from a grant under the Culture Programme 2007-13?	No
1.6 Are you or your organisation already involved in transnational co-operation in the field of culture?	Yes
1.7 In which cultural sector do you (or your organisation) operate?	Performing Arts - Other
Please specify	GIART is an international organisation which represents Performers' Collective Management Societies.
1.8 In which capacity are you participating in this consultation?	An organisation
1.9a What is the size of the cultural department of your organisation?	Less than 11 employees
1.9b What type is your organisation?	Other
Please specify	GIART is an international organisation which represents Performers' Collective Management Societies.
1.9c Are you replying on behalf of a representative organisation in the cultural field?	Yes
1.9d Does your organisation represent individuals or organisations?	Organisations
1.9e How many members does your organisation represent?	Less than 100 direct members

<b>SECTION 2: OBJECTIVES OF THE NEW PROGRAMME FOR CULTURE</b>	
2.1 Do you think there is a continuing need for a specific EU programme for culture?	Yes
2.2 To what extent should the new programme pursue the following objective: Protection and promotion of cultural and linguistic diversity	To a great extent
2.3 To what extent should the new programme pursue the following objective: Promotion of the transnational circulation of cultural works and products	To a great extent
2.4 To what extent should the new programme pursue the following objective: Widening access to European heritage and cultural works	To a great extent
2.5 To what extent should the new programme pursue the following objective: Professional development and capacity-building of artists or cultural operators in an international context	To a great extent
2.6a To what extent should the new programme pursue the following objective: Promote cultural cooperation with third country operators	To a great extent
2.6b Should cooperation with third countries be limited to certain predefined countries or would a broader approach be preferable?	A broader approach
2.7 To what extent should the new programme pursue the following objective: Promotion of urban and regional development through culture	To a great extent
2.8 To what extent should the new programme pursue the following objective: Widening access to culture and participation in culture for disadvantaged groups	To a great extent

<p>2.9 Would you like to comment on the objectives for a new Culture Programme?</p>	<p>As established in the Culture Programme 2007 to 2013, the general objective of the Programme shall be to enhance the cultural area shared by Europeans based on a common cultural heritage through the development of cultural cooperation between the creators, cultural players and cultural institutions of the countries taking part in the Programme, with a view to encouraging the emergence of European citizenship. Therefore, creators, cultural players and cultural institutions should play a vital role in the future Cultural Programme. The role of creators is fundamental in providing cultural industry with content. We must not forget that the industry of culture bases its potential on content that must be protected by the due respect of intellectual property rights over works and rights holders. In our point of view, the current Cultural Programme overshadows creators and, specially, performers. The current situation must be taken into account and we must also be aware about the near future. The European Union is conscious of the challenges of the future and it has reflected them through the objectives of Europe 2020, whose principal cultural challenge is based in the Digital Agenda. As we all know, the Internet will be the main platform through which cultural content will be available. Digital Agenda, as one of the principal objectives of the EU, must be considered for many reasons. Firstly, the new Culture Programme should be complementary with other Community instruments, as established in the article 7 of the Current Programme, so the Digital Agenda challenge must be reinforced through the new Programme. In the second place, the current state of technology requires a proper legal framework to ensure legal certainty and protect the interests of creators, cultural players and the cultural industry. Therefore, GIART believes one of the objectives of the new Culture Programme should be the promotion and protection of performing artists' intellectual property rights. As creators, without whom there would be no culture as we know it, they are entitled to work in a context which allows them to fully enjoy their rights. The new Culture Programme should hold the enforcement of IPR as a main priority especially with regards to the new digital era where copyright and piracy damage the cultural industries on an ever-increasing daily basis.</p>
<p><b>SECTION 3: ACTIVITIES WITHIN THE NEW PROGRAMME FOR CULTURE</b></p>	
<p>3.1a To what extent is it important for the new programme to support the following activities: Development of the professional skills of artists or other cultural professionals in an international context</p>	<p>To a great extent</p>

<p>3.1b Would you like to explain your response?</p>	<p>In our opinion, supporting cultural skills is essential in improving competitiveness in the European Union. Creative skills are the driving force of the cultural industry as content is the cornerstone of all the creative industry. Cultural skills are not restricted to creative literacy, but they are also referred to technological and legal literacy. Creative content will circulate through the Internet as the most important vehicle to access this content. As all we know, Internet offers great advantages since it is a proper way to facilitate access for all the European citizens. On the other hand, we should keep in mind that Internet also offers challenges that the European Union must tackle. The knowledge of technological and legal aspects regarding Internet must be an objective for the new European Cultural Programme to ensure safety and protection for creators and cultural players. The EU should ensure a proper legal framework in the online environment to protect right holders, preventing infringements made through it . In this respect, we must remember the role of Collective Management Societies in educating creators on protecting their works and improving their cultural skills to enhance innovation and creativity through Cultural and Social Funds which provide them with scholarships, training, outreach programs for their performances, etc...This is why we would like to underline Collective Management Societies as an essential piece of the cultural sector in order to be supported by the new Cultural Programme. We also would like to give a special mention to the fact that in Portugal, there is a Foundation for cultural and social funds and benefits for the Portuguese performers which was created by GDA-Portuguese Collecting entity for Performers to develop professional skills of artists between others aims.</p>
<p>3.2a To what extent is it important for the new programme to support the following activities: International networking for exchanging experience and practice (peer learning/peer coaching)</p>	<p>To a moderate extent</p>

<p>3.2b Would you like to explain your response?</p>	<p>From our point of view, collaboration among creators, the cultural industry and cultural institutions is necessary in improving European Culture. We should not forget that there are still substantive differences between national legislations with regard to protection of cultural content and, especially, regarding online creative content. In these terms, communication between all the stakeholders involved in the cultural sector is important to tackle these differences. It would be also important to provide right holders with enough resources to facilitate creativity. Many creators need currently more resources in order to carry out their works and performances. In this respect, material resources are totally necessary to improve creativity.</p>
<p>3.3a To what extent is it important for the new programme to support the following activities: Interdisciplinary partnerships between arts institutions and business to foster the entrepreneurial skills of artists or cultural professionals working in an international context.</p>	<p>To a great extent</p>
<p>3.3b Would you like to explain your response?</p>	<p>Interdisciplinary partnerships are essential in the cultural sector. GIART is concerned about the possible imbalance which can be created between creators and companies participating in the cultural sector; a proper balance must therefore be kept, taking into account that creators are the weaker party. People have the incorrect vision of cultural works as free goods. It is an important issue the European Union must solve by underlining the importance of works, performances and creators for European culture. The delicate balance between cultural economic requirements should be respected and promoted by the cultural single market. In these terms, we would like to remind the Commission that cultural content is the first step of the cultural industry. Both parties, artists and business, can provide each other with skills. However, we do not agree with the view of cultural goods as economical goods since their value go beyond economical terms. GIART, as an international organization representing different collective management societies is a good example of a partnership working for Culture in an international context. This is why GIART thinks is a good idea to promote this kind of European and international organizations and the dialogue between cultural industries and societies representing creators. Furthermore, the fostering of entrepreneurial skills would allow for greater competitiveness on an international scale. GIART also believes that</p>

	<p>interdisciplinary partnerships between arts institutions and educational centers should be encouraged with regards to raising awareness of creators' intellectual property rights as well as promoting a culture of respect for those at the core of culture itself.</p>
<p>3.4a To what extent is it important for the new programme to support the following activities: Creation of new works and performances by operators from different countries working together</p>	<p>To a moderate extent</p>
<p>3.4b Would you like to explain your response?</p>	<p>We think it is an essential issue the European Union should promote. In this respect, we would like to highlight that the expression "operator" must include CMS from all the Member states. If one aim of the new Cultural Programme is improving collective work by supporting the creation of new works and performances, we should keep in mind that as CMSs represent creators they should be an essential interlocutor in any European action regarding European cultural sector. The European Union should be very careful with the third countries it collaborates with. The EU must ensure that all the countries it is cooperating with are respectful of the intellectual property rights of European works. It would be a good idea too to pursue the respect for intellectual property rights by arranging agreements with these third countries in order to guarantee the integrity of the works and, this way, encourage creators to innovate with legal certainty. Moreover, operators from different countries will only work together if there are effective instruments to fight against piracy. As we have already pointed out, the next Cultural Programme should be consistent with the Digital Agenda. The EU, through the Communication brought by the Commission called A Digital Agenda for Europe, expressed the</p>

	<p>necessity of creating a cybercrime centre in charge of fighting against violations in the Internet. Furthermore, the Commission proposed hotlines to inform about any illegal content, as well as the creation of a platform for online trustmarks. We think the Programme can enforce these measures as an effective way to combat piracy and promote the relationship between cultural operators from different countries. It seems that differences in the different legislations are obstacles blocking the achievement of true international collaboration. This is an issue the EU should tackle establishing community rules in relation to the jurisdiction regarding online infringements, as we all know the jurisdiction of this kind of infringements is not easy to determine. This issue was also pointed in the Digital Agenda Communication. As to the national perspective, with the aim of promoting and protecting European cultural diversity in mind, GIART supports the collaboration of diverse national operators working together in order to create new works and performances. Collaborations of this sort also contributes to a common European cultural heritage, which in turn needs to be effectively communicated to the wider public through appropriate platforms in order to build European cultural awareness.</p>
<p>3.5a To what extent is it important for the new programme to support the following activities: Development of a space for experimentation, innovation and risk taking in the cultural sector</p>	<p>To a moderate extent</p>

<p>3.5b Would you like to explain your response?</p>	<p>The development of space for experimentation, innovation and risk taking in the cultural sector can only be achieved if enough grants and finance instruments are made available to all the agents of the cultural sector. GIART, representing different CMS, knows the importance of the funds granted to right holders. In this regard, the CMSs play an essential role by granting funds to right holders in order to support creation and innovation. If an aim of the new Programme is to support organizations which support culture and innovation, CMS must be taken into account. It seems the current Cultural Programme has focused on companies participating in the cultural sector forgetting creators as the motor of the cultural industry. CMSs would be the proper way to distribute these funds and carry out innovation and experimentation projects, such as those for the improvement of collection and distribution technologies as they have been doing for many years.</p>
<p>3.6a To what extent is it important for the new programme to support the following activities: Development of innovative digital cultural content, digitisation and new digital distribution and exhibition platforms</p>	<p>To a great extent</p>



3.6b Would you like to explain your response?

In a world where the Internet and digital technology are at the forefront of our time, the new EU Culture programme clearly has to support initiatives as far as digitization and digital technology is concerned. However, GIART underlines that this support must be accompanied by parallel measures to combat piracy and protect creators' intellectual property rights. This cannot be stressed enough. It is only within a lawful framework that culture will flourish and creators will be able to continue their work. Therefore, development of innovative digital cultural content is to a great extent important. However, the European Union should be very careful in every step it takes regarding digital content since, as we have already expressed, digital content must be promoted as long as the proper instruments of protection are provided to right holders. The making available right is the only right the right holders have to protect their works in the online environment. The EU should establish the right of making available for performers as a remuneration right which survives despite the transfer in favor of producers. It is the proper way to develop digital cultural content, digitisation and exhibition platforms. As mentioned above, Internet offers challenges to be solved through the collaboration among different countries. Many European performers find it hard to protect their right over online works. The European Union established the making available right as an exclusive right for performers who, obviously, grant this right in favor of producers, losing the control of their work. In connection with the latter, GIART supports the establishment of the making available right as a remuneration right modeled on the Spanish legislation and with mandatory collective management as foreseen in Spanish and Portuguese systems. Not only the European Union would achieve a better protection on the online content, but it would also achieve homogenization as a the first step to reach a pan-European license regarding intellectual property rights, as it is an objective of the European Agenda. Therefore, GIART propose a legal framework regarding the right of making available based on Spanish and Portuguese systems: The Spanish system, established in the Intellectual Property Law (Consolidated Text, RLD 1/1996, as amended by the Law 23/2006 which transposes the 2001 Directive), consists on a presumption of transfer of the right of making available from performers to producers. This way, although this right is originally exclusive, once it is assigned in favor of producers, performers conserve an untransferable right of remuneration which must be compulsory managed by the collective management societies. The Portuguese system, establishes in the Portuguese Intellectual Property Law, as amended to implement the Info Soc Directive ( Law 50/2004) is based on an exclusive right which is subject to mandatory collective management by a

	<p>performers collecting society. In this case, the CMS must authorize or prohibit the use of this right and negotiate the due remuneration. The current system of reciprocity between collective management societies ensures that users can have access to a world-wide repertoire and protect in a better way right holders. The support to exhibition platforms must be conditional. GIART would welcome a platform for online services which are respectful of intellectual property rights and keeps the balance between the different stakeholders. The EU must ensure that any grant or fund is granted to a service which respects copyright. In this regard, a legal system of sanctions should be established to assure the proper circulation of digital content. Supporting digital cultural content not only means granting funds but it also means ensuring an homogeneous legal framework to promote innovation and creation ensuring the protection of rights.</p>
3.7a To what extent is it important for the new programme to support the following activities: Cultural activities promoting understanding of common European heritage	To a great extent
3.7b Would you like to explain your response?	<p>Understanding European heritage should be promoted by educating citizenship on the importance of culture and the protection of works. This task can be carried on by both private and public institutions. Culture should be seen as a value everybody must defend.</p>
3.8a To what extent is it important for the new programme to support the following activities: Incentives for artists performing or touring outside of their own country	To a great extent

3.8b Would you like to explain your response?	<p>From our point of view, incentives for artists performing or touring outside of their own country are a pending challenge for Europe. Due to different tax legislations it is difficult to perform abroad because of the uncertain tax law to apply. Collective societies of performers are strongly strengthening the mobility of artists. Particularly, CMSs represented by GIART, are giving non-discriminatory access to all EU artists to their programs financed by cultural and social funds. Among other initiatives, CMSs representing performers are providing grants in relation to scholarships to allow young musicians study in well-known music schools, financing the promotion of their artistic projects outside the national territories. On the other hand, GIART propose a reduction on the VAT tax applicable to performers who want to tour outside his/her own country but inside the European Union. We think it would be a great incentive in order to promote European circulation of culture. Access to culture and, particularly, to live performances should be an objective as it is best way to be close to culture and creativity, bringing art to the public. Artists find it difficult to bring their performances to citizens outside national borders as there is a tax legislation which, at present, is not encouraging touring abroad. Culture goods are strategic goods that should be promoted for the purpose of competing with the rest in the international frame, from cultural terms to economical terms.</p>
3.9a To what extent is it important for the new programme to support the following activities: Transnational exchange of artefacts or other works	Don't know
3.9b Would you like to explain your response?	
3.10a To what extent is it important for the new programme to support the following activities: Funding for cultural and creative companies/organisations that promote the development of artists and their works in different European countries specifically with a view to fostering cultural diversity	To a great extent

3.10b Would you like to explain your response?	As GIART has frequently stated in the past, cultural diversity needs to be promoted and protected. Therefore funding of activities which support this aim is of course seen in a positive light. Europe boasts outstanding cultural heritage, built upon diverse contributions; the circulation of creative works and artists would benefit society as a whole and further stimulate the flourishing of creativity itself. Moreover, it is necessary to foster cultural diversity but, as said above, a proper legal framework regarding the protection of the works must be provided as a starting point to eliminate barriers in the different European countries. By way of example, most of the CMSs assign a wide rate of their budgets for assistance to creators. Within this activity, training is fundamental, offering scholarship programs, including studies in music schools, or expanding the training of musicians abroad. This way, CMSs provide training to boost the creation and dissemination of the talent intending to promote the competitiveness of creators out of the national territories.
3.11a To what extent is it important for the new programme to support the following activities: Support to enable artists and cultural operators to overcome barriers to transnational mobility (e.g. legal and administrative barriers)	To a great extent
3.11b Would you like to explain your response?	Transnational mobility contributes to greater circulation of creative works, the promotion of cultural diversity and the continual building of a common heritage. Bearing in mind that such mobility needs to be within a lawful framework, support for any activities helping to overcome unnecessary red tape with regards to mobility would be welcome.
3.12a To what extent is it important for the new programme to support the following activities: Translation of fiction into different languages	To a moderate extent
3.12b Would you like to explain your response?	
3.13a To what extent should the grants for literary translation also allow other costs to be included, such as purchasing of rights, publication costs, translation of book summaries and other promotional activities	Don't know

3.13b Would you like to explain your response?	
3.14a To what extent is it important for the new programme to support the following activities: Festivals with a strong European dimension and visibility and featuring works and artists of European significance	To a great extent
3.14b Would you like to explain your response?	Any festival with strong European visibility is a perfect way to enhance the public image of European artists and bring European artists together, contributing to building a common European heritage. It also stimulates the international exchange of European works putting European culture closer to the public.
3.15a The EU already supports European prizes in the fields of contemporary architecture, cultural heritage, literature and pop music. To what extent is it important for the new programme to support the following activities: New European prizes in the field of culture	To a moderate extent
3.15b In which cultural sector(s) should new European prizes be supported?	
3.15c Would you like to explain your response?	
3.16a To what extent is it important for the Programme to support: media initiatives giving visibility to European cultural themes and projects	To a great extent
3.16b Would you like to explain your response?	GIART supports media initiatives which give visibility to European cultural themes and projects as this contributes to a greater awareness of a common European heritage. Therefore, projects with strong European content should be supported; however, media initiatives must ensure the compliance of intellectual property legislation by service providers. The European Union should not support any company which is not completely respectful of the rights of creators. European performers should be taken into account when supporting these themes and projects as they are important stakeholders who must be considered.

<p>3.17 Would you like to comment on the activities within the new Culture Programme?</p>	<p>As said in question 2.9, the new Cultural Programme should include the objectives fixed by the Digital Agenda, one of the seven objectives of Europe 2020. Especially, the Programme should enforce and promote the protection against violations of intellectual property rights, established in the Communication A Digital Agenda for Europe. Since an important point of the Programme will consist of funding and granting, these actions cannot be carried on without ensuring the beneficiaries are respectful of intellectual property rights. In the second place, we cannot forget creators should have an important role in the new Programme, as they make possible the existence of content which is totally necessary for the cultural industry. We must keep in mind they are the first link in the chain. GIART as an association representing CMSs of performers, is aware of the weakness of this kind of right holders who, often, lose control of their works through the Internet. This is why our organization thinks it would be great to establish a remuneration arising from the right of making available as it is established in the Spanish legislation. Moreover, from our point of view the Programme should avoid the imbalance between the cultural sector and economy. The Programme must recognize the special nature of cultural goods, keeping in mind they must be supported since their value is not just economical but they contribute to the European heritage. Finally, we think underline the importance of the Collective Management Societies in providing creators with training, grants, outreach programs of their performances, and the work they are carrying out in fostering the cultural diversity. CMSs should be taken into account as they meet all the objectives established in the current Cultural Programme: To promote the transnational mobility of cultural players, to encourage the transnational circulation of works and cultural and artistic products and to encourage intercultural dialogue.</p>
<p><b>SECTION 4: TYPES OF SUPPORT WITHIN THE NEW PROGRAMME FOR CULTURE</b></p>	
<p>4.1 The Culture Programme currently supports co-operation partnerships between cultural operators (at a rate of 50%): Is 50% the most appropriate rate for EU co-financing of co-operation projects?</p>	<p>Yes</p>
<p>4.2 EU operating grants currently meet 80% of the running costs of selected European-level organisations (Ambassadors, Advocacy Networks, Structured dialogue platforms). Is 80% the most appropriate level for EU co-financing of European-level organisations?</p>	<p>No - the EU should fund more organisations at a lower level</p>

4.3 EU operating grants currently provided to organisations in support of their running costs are subject to the principle of “degressivity”, i.e. they are reduced each year. To what extent does degressivity present a problem for cultural operators?	To a moderate extent
4.4 What problems does your organisation face as a result of degressivity?	Neither GIART, nor its members have received any grant arising from the current Cultural Programme.
4.5 Could you suggest any further specific ways to simplify the application process and the management of the new programme?	
4.6 How could the dissemination of the results of activities funded under the new programme be supported?	A good idea to disseminate the results of activities funded under the new Programme would be publicizing creators involved in the activities. This way citizens would associate the European Union with its support and compromise with culture.
4.7 Would you like to add anything else on the types of support within the new Culture Programme?	Apart from the above-mentioned comments, the European Union should consider, notwithstanding grants and funding, reducing VAT in some cultural goods and services. It would be a great impulse to creators and the cultural industry.