



EUROPEAN COMMISSION

Maroš Šefčovič  
Executive Vice-President

Brussels, 21/02/2024

Dear President,

The Commission would like to thank the European Parliament for its resolution of 21 November 2023 on an EU framework for the social and professional situation of artists and workers in the cultural and creative sectors (2023/2051(INL)), adopted in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), which calls for the creation of an EU framework to improve the social and professional conditions in the cultural and creative sectors.

Taking into account President von der Leyen commitment to respond to Article 225 TFEU resolutions with a legislative act, in full respect of the proportionality, subsidiarity and better law-making principles, but also the current moment of the institutional cycle, the Commission welcomes the **Parliament's** resolution, supports its political objectives and confirms that it intends to kick off work in this area.

The Commission welcomes this resolution and shares the **Parliament's** concerns over the working conditions of artists and workers in the cultural and creative sectors, as shown by the analytical work on this issue carried out since 2020: a comprehensive study on **artists'** and creative sectors **professionals'** working conditions in the EU in 2020, followed by the "**Voices of Culture**" civil society dialogue and regular exchanges of views with the EU Sectoral Social Dialogues on Performing Arts, all published in 2021. The Commission also facilitated the work of an Open Method of Coordination (OMC) group for over two years. The **Group's** report was published in July 2023 and highlighted many of the issues addressed in the European **Parliament's** resolution. The Commission recognises the importance of ensuring that culture as a policy field, including the essential role of the cultural and creative sectors, will continue to be considered as a priority and commits to organising a **High-level Round Table** with relevant stakeholders in 2024 to better explore the best way forward to address the needs of the sector. In preparation of the **High-level Round Table**, the Commission intends to prepare a supporting document informed by the analytical work done, setting out the principles and provisions of legislation covering the sector, best practices as well as an analysis on potential gaps and challenges. This would provide a basis for further reflection with stakeholders on potential next steps, including initiatives and proposals.

Ms Roberta Metsola  
President of the European Parliament

In addition, as indicated under the current EU Work Plan for Culture 2023-2026, yearly thematic workshops with Member States based upon the Open Method of Coordination, Member States expert group on **artists'** working conditions will take place, starting in 2024.

In view of the recommendations of the European added value assessment underpinning the European Parliament resolution and of the findings of the study on the status and the working conditions of artists and creative professionals<sup>1</sup>, the Commission intends to launch the following initiatives:

1. **An exercise to reinforce the implementation and enforcement of existing rules and to identify any regulatory gaps that would need further follow-up, including initiatives and proposals:** the Commission will assess existence of gaps in the application of EU rules in relation to the employment situation of artists and cultural and creative sector professionals together with the relevant social dialogue committees and expert groups bringing together national experts and social partners in the areas of social security coordination, as well as free movement of workers and posting. The **Commissoin's** contribution for the High-level Roundtable will feed into this process.
2. **Work with social partners:** the Commission will invite the relevant sectoral EU social partners to discuss the contribution and the outcome of the High-level Round Table and consider further solutions needed to improve **artists'** and creative **professionals'** working conditions, including the possibility to start negotiations to conclude an autonomous social partner framework agreement. The Commission can provide support upon request throughout this process. The new Commission guidelines on collective bargaining for the solo self-employed allow for collective agreements covering both employees and solo self-employed.
3. **Mobilisation of the Senior Labour Inspectors Committee (SLIC):** the Commission has also taken note of the European **Parliament's** specific requests for action related to the health and safety at work of artists and cultural and creative sector workers. It underlines that the EU occupational health and safety legislation applies to all workers in the EU, including artists and creative professionals. However, issues of enforcement can always exist. To respond to these requests, the Commission will ask the Senior Labour Inspectors Committee (SLIC), which has a mandate to give its opinion to the Commission on all problems relating to enforcement by the Member States of EU law on health and safety at work, to investigate the potential issues related to the enforcement of the EU occupational health and safety legislation as regards artists and cultural and creative professionals. This request, building on the analytical work referred to above, will be put forward during 2024.
4. **Health and safety at work:** the Commission will invite EU-OSHA to contribute, where relevant, to the analytical work and discussions concerning health and safety at work and

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<sup>1</sup> European Parliamentary Research Service - EU framework for the social and professional situation of artists and workers in the cultural and creative sectors ; European Commission, Directorate-General for Education, Youth, Sport and Culture, The status and working conditions of artists and cultural and creative professionals – Report of the OMC (Open Method of Coordination) group of EU Member States' experts – Final report

to consider, together with social partners, updating risk assessment tools relevant for this sector.

5. **Undeclared work – gathering evidence:** in order to address the issue of undeclared work in the sector, the European Labour Authority (ELA) platform on tackling undeclared work is working on a study on undeclared work in the cultural and creative sectors, which will prepare for a seminar with Member States planned to take place in May 2024. The report resulting from the study should analyse the employment characteristics of the cultural and creative sectors, the types of undeclared work in the cultural sector, and include case studies. The seminar will be the channel to disseminate good practices.
6. **Exchange of good practice:** The Commission will consider engaging with Member States through a mutual learning programme on social protection for artists and workers in the cultural and creative sectors, with the aim to facilitate exchange of good practices with the involvement of Member States representatives from both the Social Protection Committee and the Culture OMC as well as relevant stakeholders. Such a mutual learning programme could be in place in 2025.
7. **Mapping the existing definitions of cultural and creative sector professionals:** in addition, the Commission will pursue the European **Parliament's** request to map the existing definitions of cultural and creative sector professionals across the Member States with a view to contributing to a common understanding to be reflected in EU policy-making and cultural statistics. It will compile the different mapping exercises that have already been carried out under EU-financed projects and identify potentially relevant gaps and will explore this further, including by verifying the feasibility of this approach in collaboration with Eurostat and their ongoing work on the cultural statistical framework.
8. **EU strategic framework for culture:** regarding the invitation by the European Parliament to update the New European Agenda for Culture and include the improvement of cultural and creative sector **professionals'** living and working conditions as a priority area, the Commission will review how priorities outlined in this Agenda would need to be updated, in line with the Council Resolution on the EU Work Plan for Culture 2023-2026<sup>2</sup> and following up on the European Court of **Auditors'** recommendations in its Special Report No 8/2020<sup>3</sup>. The Commission will consider the working conditions of artists and cultural and creative sector professionals as part of such review. The initiatives referred to above, notably related to undeclared work, health and safety at work as well as outcome of the gap assessment to be carried out by the Commission will also inform this review.
9. **Creative Europe European Networks and Creatives Unite platform:** the Commission recalls the importance of the networks and Creatives Unite platform. Creative Europe funded networks of professional organisations, representing thousands of organisations and professionals across the different culture and creative sectors, help train and inform artists and professionals about their rights and can also provide feedbacks to policymakers in return. The Creatives Unite platform is a digital one-stop shop for initiatives, events and

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<sup>2</sup> [st15381-en22.pdf \(europa.eu\)](#)

<sup>3</sup> [Special report 08/2020: EU investments in cultural sites: topic that deserves more focus and coordination | European Court of Auditors \(europa.eu\)](#)

funding opportunities relevant to the cultural and creative sectors, which has been set up with the help of the Commission. A special section on the Creatives Unite platform on **artists'** and creative **professionals'** working conditions has been created, based on data gathered by the 2021-2023 Open Method of Coordination group on this topic. The Commission will look into possibilities for further expanding this section with relevant information as regards applicable legislation in relation to working conditions of workers in the creative sector.

10. **Funding:** in view of the European **Parliament's** call to further equip the cultural and creative sectors with more adequate funding, the Commission intends to continue developing the action "Culture Moves Europe", in particular to reach out to the countries, sectors and groups underrepresented so far. The Commission will also take into account the elements raised in the report regarding social conditionality, while respecting the legal base of the Creative Europe and the Horizon Europe programmes and in particular the provisions of the Financial Regulation. The Commission will consider reinforcing the social conditionality in the next cycle of Union programmes. Creative **Europe's** legal base<sup>4</sup> already provides a clear reference '**to ensure fair remuneration of authors and performers, which are dimensions that should be taken into account across the Programme**'. Other ongoing initiatives could be of a great interest for professionals from the cultural and creative sectors, like the Erasmus+ programme, the European Solidarity Corps, the Erasmus for Young Entrepreneurs programme and the recently created EIT Culture & Creativity Knowledge and Innovation Community.
11. **Mutual recognition and validation of learning outcomes and study periods abroad:** the Commission takes note of the proposal to enhance the automatic mutual recognition and validation of learning outcomes and study periods abroad in the cultural and creative sectors. While noting that under the principle of conferral of powers (Article 5 TEU), and in line with Article 6 and Article 165 of the TFEU, Member States are primarily responsible for their education systems, with limited scope for EU action, the forthcoming adoption of an initiatives package on a European degree will strengthen automatic mutual recognition and foster transnational cooperation across all fields of study, including in the cultural and creative fields.
12. **Models of compensation:** the Commission will assess potential models to compensate public artistic and cultural organisations facilitating free access for young persons under 18 years to cultural events and education.
13. **Fair remuneration of authors and performers for the exploitation of their artistic work:** the Commission is committed to ensuring an effective transposition and application of the Directive on Copyright in the Digital Single Market and of the Directive on Adequate Minimum ages in the European Union. The Commission launched a study in January 2024 focused on contractual practices affecting the transfer of copyright and related rights and the creators and producers ability to exploit their rights. For the challenges posed by artificial intelligence (AI) development, in the area of copyright protection the provisional political agreement reached on 8 December 2023 by the

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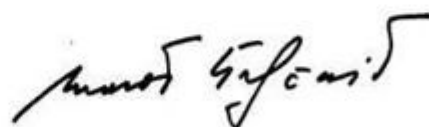
<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32021R0818>

European Parliament and the Council on the AI Act, includes additional targeted transparency rules for general-purpose AI models, including provisions to facilitate enforcement of EU copyright law, while for the scraping of personal data by AI systems work is on-going to ensure full compliance with the General Data Protection Regulation.

Finally, the Commission recalls that it stands ready to support Member States in making use of the Technical Support Instrument upon their request in undertaking reforms aimed at improving the working conditions of artists and creative sector professionals.

The Commission looks forward to continuing a close and constructive cooperation with the European Parliament to improve the social and professional situation of artists and workers in the cultural and creative sectors, as part of our joint efforts to achieve a more inclusive and socially fair Europe.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Maroš Šefčovič', written in a cursive style.

**Maroš Šefčovič**