

ACTIVITY **2010** REPORT



PEARLE

PEARLE* AISBL Square Saintelette 19/6, B-1000 Brussels TEL +32 (0)2 203 62 96 FAX +32 (0)2 201 17 27 WWW.PEARLE.WS / INFO@PEARLE.WS

REPORT 2010 PEARLE



Dear Reader,

As we look back over the year 2010, a year during which the sector felt the full impact of the economic crisis, we can clearly see that there was greater urgency to respond to national situations than to those at European level. Even so, drawn on by great curiosity and interest, members kept a watchful eye on EU initiatives that could potentially affect the sector.

Although last year saw the full launch of Europe's core aim of delivering growth and employment - and especially the EU 2020 Strategy- our sector was powerless to halt the increasing number of regulations that impact our industry. Never before has the distance been greater between the content of European policy debates and how the resulting decisions significantly influence the daily activities of organisations and enterprises in the performing arts field. It is unfortunate that the tools that could close this gap are just not strong enough. The domain of European policy is still overly focused on traditional sectors, and only now is it beginning to discover the wide range of cultural and creative industries, which include the live performance sector. Evidence of this unsatisfactory situation can be found in the lack of any data, the absence of studies focused on this live performance sector, and the lack of understanding of the role this sector plays in society and in the general economy. Certainly there is no awareness of the strengths of the European live performance sector at international level.

In this activity report you will find concise summaries of the main EU policy areas on which Pearle* worked throughout the year and also of its representation at EU level and the activities it has undertaken as partner of different EU funded projects. Feedback is also given on the association's internal operations.

In 2010, Pearle* represented 42 associations having in total more than 4,500 members across Europe and internationally.

All position papers referred to in the texts below can be read and downloaded from www.pearle.ws.



THIS REPORT COVERS:

- p. 4 I Major issues on Pearle*'s agenda in 2010**
1. Culture
 2. Consumer rights directive
 3. Digital agenda
 4. Collective rights management
 5. Double taxation
 6. Employment and social affairs
- p. 9 II Representation**
1. Social dialogue
 2. Culture
 3. Trade
 4. Copyright [s]
- p. 11 III European projects**
1. Industrial relations:
'Social dialogue in the performing arts sector in Southern Europe'
 2. Mobility pilot project:
PRACTICS 'See Mobile See Practical'
 3. 'Polifonia' Erasmus project
- p. 13 IV An overview of Pearle*'s internal operations**
1. Office
 2. Executive Committee
 3. Communication
 4. Pearle* Conferences
 5. Membership
 6. Finances
- p. 14 In Annex: List of Pearle* members 2010**

I. MAJOR EU ISSUES ON PEARLE*'S AGENDA IN 2010

1. CULTURE

There were a great many meetings, conferences, events, exchanges, workshops, gatherings of stakeholders and experts, networking activities and so on. Two major EU initiatives were of importance to Pearle*: the public consultation started off by the Green Paper on 'Unlocking the potential of the Culture and Creative industries' and the consultation on the 'Future European Union Culture Programme'.

1.1. CULTURE AND CREATIVE INDUSTRIES

In Pearle's opinion, several of the issues raised in the **Green Paper on culture and creative industries** require a horizontal approach across different policy areas. The regional and local strengths of the culture and creative industries constitute the core area in which action can be promoted. Live Performance is itself an important player here, as this labour-intensive sector is very much 'made in Europe'. However, if the CCI is to prosper, a favourable environment has to be created that will reduce administrative burdens for its organisations and businesses and also in the context of mobility. Any policy that stimulates creativity, content, products and productions in the EU and worldwide will pave the way for Europe to become a competitive and leading creative region in the world.

1.2. FUTURE EU CULTURE PROGRAMME

In response to the consultation on the next generation **EU Culture Programme**, Pearle* members felt that a culture programme should continue beyond 2013, despite difficulties with public finances in various Member States. While the current budget allocated to culture in the EU remains so negligible, any further reduction of currently available amounts would seem pointless. In this regard the EU needs to develop a programme that allows room for initiatives providing added value to different sectors and areas of activity. Pearle* believes that where culture activities (in the area of education, for instance) can benefit from support provided through other programmes, such external help should not be included in a culture programme. Moreover, it is not up to the European Commission to suggest certain activities or to favour certain sectors (for example, by awarding prizes). Initiatives and proposals should result from bottom-up approaches, thereby being responsive to the dynamism, experimentation and creativity that is massively present in the sector. But that output should also be supported by dissemination, promotion and publicity. Therefore it would be better to allow the sectors to propose initiatives which could reach a wider

representation, rather than support projects that benefit just a few partners.

1.3. DATA AND INFORMATION

In our response to the Green Paper on culture and creative industries it was emphasised that the European Commission should be focusing on gathering data on the different sectors.

With regard to live performance, it has been noticed that Eurostat does not collect live performance sector data such as employment figures, number of enterprises and non-profit organisations, performances, in/outdoor events, import/export, third-country nationals, sector turnover, number of companies, ticket sales, and so on. But this is precisely the information that the European Commission has asked Pearle* to provide over the past year in the context of consultation rounds or to feed into policy processes. Such requests for data came from DG Culture, DG Taxation, DG Enterprise, DG Information Society, and DG Employment.

Unfortunately, the cultural statistics pocketbook does not cover this type of data, but instead provides information on consumer patterns in broad categories of cultural activities.

Pearle* is seizing every possible occasion to address this problem. In June 2010, at our members' conference in Luxembourg, we organised a specific encounter with representatives of Eurostat and ESSnet. This issue was also raised in a workshop organised by Encatc, focusing on Cultural observatories.

Pearle* stressed that the collection of data was essential to enable the development of a policy that would support the cultural and creative industries; such data should also be made available to all the different sectors, including the one for live performance.

1.4. WORK PROGRAMME OF THE CULTURE COUNCIL

Pearle* noted the Culture Council Conclusions of November 2010, including a work programme for the next four years. Pearle* welcomed the promise of improved dialogue with the civil society platforms. Whereas Pearle* supports the five main priority areas, some questions have been raised about certain initiatives that have been proposed for implementing the actions. Furthermore, Pearle* members report that they have received little feedback from their culture ministries on the activities in the framework of this work plan, and the only information they do get is through their European association.

2. CONSUMER RIGHTS DIRECTIVE

The European Commission's proposal for a **Consumer Rights Directive** took up a year of intense public debate in the European Parliament. The leading committee 'Internal Market' conducted several hearings and other activities. The Commission's intention to simplify the regulations on consumer rights has resulted in a heavily debated text in European Parliament which attracted viewpoints and demands from a wide range of stakeholders.

In the context of this debate, Pearle*'s aim was to ensure that in the future Consumer Rights Directive a derogation would be maintained for the live performance sector on the right of withdrawal of provision of 'leisure' services to consumers, which includes performances and events. This point had been guaranteed in the Distant Selling Directive, which is one of the Directives included in the newly consolidated Consumer Right Directive.

When the directive was proposed in 1997, Pearle* successfully argued that consumers who had bought a ticket for a show or performance could not claim their money back after the event, as the 'product' had by then already been consumed. As a result, the sector obtained a derogation from the distance selling directive.

3. DIGITAL AGENDA

The digital agenda has become a major policy issue for the sector. Several different initiatives are of interest to the sector or will affect it in ways that even professionals in the sector might find difficult to detect.

Although live performance is the core business of Pearle*'s members, it goes without saying that digital development has an impact on the way in which the organisations and companies communicate with their audiences and potential consumers.

In 2009 Pearle* had contributed to the consultation processes leading to the development of the digital agenda. During 2010 Pearle* continued contributing to relevant consultations, hearings, stakeholder meetings, position papers etc in order to present the views of the sector and ensure that the EU would have access to information on specific questions. In addition to the main three subjects quoted in this report, Pearle* also contributed to the online consultation on "**boosting cultural heritage**" and to the invitation to present "**my big idea for the digital agenda**". For the latter, Pearle* was in-

vited to present its idea of "a sectoral inventory-taking" to a stakeholder event organised by the Commission in October 2010.

Another topic raised in the digital agenda and of importance to Pearle, is the **collective rights management**. This is treated as a separate heading under point 4.

3.1. CREATIVE CONTENT

Early in 2010, Pearle* submitted its response to the Commission on the consultation on "**Creative Content in a European Digital Single Market: Challenges for the Future**". Whether for experimental, educational and archival purposes, or reaching out to specific groups, or creating new platforms for communication, the creative content used in the online environment is increasingly embedded in the activities of live performance organisations. One of the major problems that the sector faces, however, concerns the clearance of intellectual property rights. To protect the material of a performance that is made available online, a live performance organisation becomes de facto a producer of recorded music or the audiovisual recording. Until today there is only a limited number of success stories. Most live performance organisations that offer creative content will still operate with a loss.

In response to the questions raised in the consultation paper, Pearle* argued for better governance and a regulatory environment on the management of rights by collecting societies, record companies, publishers and other intermediary representatives of rightholders. This works rather through 'hard' regulations than 'soft' recommendations.

The proposal for a one-stop-shop could help to lighten administrative burdens, but could also lead to higher costs arising from the collective management of rights. Already facing multiple rights that have to be paid, the live performance sector has seen yet a further fractioning of the value chain. This has resulted in greater complexity, more administrative burdens, less transparency and more pressure on its programming (with less contemporary protected works or those still under copyright). It all ends up with less cultural diversity and a smaller offer of choice to audiences and consumers.

3.2. ELECTRONIC COMMERCE

The European Commission's DG Internal Market launched an online consultation in 2010 **on the future of electronic commerce in the internal market and the implementation of**

the Electronic Commerce Directive. This consultation included specific questions targeting organisers of sporting and cultural events in terms of selling tickets and providing on-line access to events. In general, feedback was asked on the provision of cross-border services, on payment conditions and systems, on raising capital such as from banks, and on the hindrances or possible opportunities for growth.

Pearle* explained the difficulties in offering content online, especially with regard to the rights clearance of copyright-protected content. Even just the commercial publicity necessary for marketing a production, event or show includes hindrances connected with copyright protection. As for selling tickets online, a major hindrance concerns the merchant charges that organisers have to pay to the different credit companies and other intermediaries. In particular, these costs are not calculated pro rata on the ticket prices, which may start at €5 for a single ticket.

All these facets add up to substantial totals for businesses (profit or non-profit) in the sector. Pearle* also drew attention to the difficulties confronting the sector in certain Member States whenever tickets are sold on the secondary ticket market.

It is acknowledged that, due to current legal and regulatory obstacles, the sector is not able to take full advantage of the benefits of cross-border commerce.

The consultation round coincided with the publication by DG Consumer Affairs of the initial results of a **2010 SWEEP investigation** that targeted websites selling tickets to cultural and sporting events. These sectors had been chosen following the large number of complaints received by the European Consumer Centres (ECCs) for this product category in 2009 (close to 30% of complaints about online shopping), as well as the growing trend in online shopping (in 2009, about 35% of EU consumers who ever purchased anything online bought tickets for either a cultural or sporting event). Authorities checked 410 such ticketing sites and 59% have been flagged up for further investigation. As in previous sweeps, the main problems included missing or misleading price information, unfair contract terms and conditions, and missing or misleading trader details.

This initiative has been welcomed, given that in different countries the sector has reported ticket sites that give misleading information to consumers. The sector would like to see further investigation into other countries in order to

increase transparency for consumers regarding ticket sales.

3.3. RADIO SPECTRUM

Live performance has for decades been relying on the analogue radio spectrum (mostly in the 800 MHz band), using wireless microphone technology, for providing audiences with best quality performances. The user group for such technology is referred to as PMSE (programme-making and special events).

When the European Commission launched its consultation in April 2010 on the first **Radio Spectrum Policy Programme**, Pearle*'s response underlined some possible contributions to the objectives of the programme, the advantages of a coordinated approach in Europe, specifically on mobility and touring in the internal market. But it also explained the difficulties arising from the move out of the 800 MHz band. This move has a huge impact on the sector in terms of replacement of equipment, spectrum availability and obtaining licences, and also from possible interference from other devices. The safety of staff and the public also had to be guaranteed.

Pearle* called for a policy that would:

- . guarantee sufficient spectrum to continue our operations;
- . coordinate the spectrum in a harmonious cross-border manner between Member States;
- . protect allocated spectrum;
- . provide access to spectrum at an affordable cost

As a follow-up of this reply, and after a meeting with the officials of the Radio spectrum policy unit at the European Commission, also attended by a manufacturers' expert, the decision was taken to run a workshop on the theme "**A long term approach to radio spectrum for PMSEs in Europe**". The manufacturers represented by the APWPT gave in-depth information on possible future technological developments. The EBU was also involved, explaining the applications and challenges facing broadcasters in their newsgathering and programme-making activities for which the use of wireless microphones is essential. This workshop took place on 26 October 2010 and a report is available. Several suggestions were made for working in greater detail on the different aspects of this issue. Further study is needed to identify how wireless microphones are used in order to have a complete picture of PMSE use.

In September 2010 the Commission published a proposal for a **Radio Spectrum Policy**

Programme. The purpose of this initiative is to establish a radio spectrum policy programme for the strategic planning and harmonisation of the use of spectrum to ensure the proper functioning of the Internal Market. One major shortcoming in this proposal concerns the absence of any consideration of cultural aspects. If the live performance sector can no longer have guaranteed access to spectrum, the consequences for diversity in the cultural offer would be seriously threatened. After all, this sector provides the content that is to be offered through wireless broadband.

4. COLLECTIVE RIGHTS MANAGEMENT

On 23 April 2010, DG Internal Market organised a public hearing on the **governance of collective rights management in the EU**. At this hearing various major copyright users presented a joint statement.

As set out by the EC Commission in 2004 in its Communication on rights management, collective licensing plays a key role and the facilitation of effective rights management is crucial to the proper functioning of the Internal Market. The users stressed that more needed to be done to improve and modernise the collective management of copyright in the European Union.

Users underlined the following needs:

- . Need to ensure that “online” rights are not treated differently from “offline” rights; “technological neutrality” is essential;
- . Need for good governance of Collecting Societies in order to increase the efficiency and transparency of the whole system;
- . Need for rules on appropriate accountability and dispute resolution mechanisms;
- . Need for a certain extension of the option for a one-stop-shop for clearance of rights.

Users reiterated their position through a joint statement, in response to the 19 May publication of “A digital agenda for Europe”, in view of the proposal for a Directive on Collective Rights Management expected during the course of 2011.

Alongside the trade federations representing commercial radios, the cable industry, the hotel and restaurant sector, telecommunications and mobile manufacturers, the European consumers’ organisation BEUC also called for more effective rights management.

5. TAXATION

The problem of **double taxation** of artists performing outside their country of residence is an issue that has sat on the Pearle* agenda for many years. Since taxation matters all fall within the competence of the individual Member States, there is little opportunity for the EU to initiate proposals. However, following different rulings of the European Court of Justice, DG Taxation conducted different levels of infringement procedures against Member States that have not implemented these rulings in their tax legislation.

In a public **consultation on Double Tax Conventions and the Internal Market**, the Commission invited stakeholders to report concrete cases presenting **factual examples of double taxation cases** before the end of June, and also provide information on areas where companies were subject to forms of double taxation, generally considered to be an obstacle to deployment of cross-border activities. Pearle*’s response was to explain that Article 17 of the OECD treaty covering artists and sportspeople presented problems and was raising major obstacles to mobility.

Over the summer, the OECD presented a **discussion draft on issues related to the application of article 17 (artistes and sportsmen) of the OECD Model Tax Convention**, inviting external stakeholders to send in comments. Pearle* explained in its answer that only a very small percentage of artists earn wages large enough to encourage them to settle in tax havens; the large majority earned wages comparable to employees in other sectors. Therefore Pearle* would like to see the same general rules apply for employed persons as those presented in Article 15 of the OECD tax convention. The burden of double taxation has a great impact on artists.

Equally there is a problem for live performance enterprises, for whom it is often more difficult to apply tax deductions in their country of residence. Pearle* suggested making Article 7 of the OECD tax treaty also applicable to organisations employing artists.

If such a general agreement of the Parties to the Model Tax Convention were possible, that would substantially improve the situation for the sector.

In the prospect of such a general agreement between Member States, the OECD could encourage countries to undertake the following actions:

- . apply (Article 17 (3)) which allows for

exemption of subsidised performances and broaden this exemption to all performances, lifting the current discrimination within the sector itself;

- exempt employed and self-employed artistes, regardless of their employment status, when working fewer than 183 days in a country of performance and earning less than a specified threshold (US\$ 20,000);
- any category of artistes or company of artistes: possible exemptions from the right to source taxation (example of the Netherlands)

6. EMPLOYMENT AND SOCIAL AFFAIRS

High on Pearle*'s agenda were the reviews of the regulations on maternity leave and on working time.

Pearle* also closely followed other EU initiatives and proposals in the area of employment and social affairs, such as: the Green Paper on pensions, the seasonal workers directive, the revised social security regulation, the extension of social security to non-EU nationals, the infringement procedures in relation to the EU gender equality and employment equality rules, and the communication on the free movement of workers.

In addition, a central theme on the EU Employment and social agenda was the Commission's initiative on 'new skills for new jobs' which Pearle* kept track of through several conferences. In this regard the proposal on European sectoral skills councils was also studied within the framework of the European sectoral 'live performance' social dialogue committee.

6.1. MATERNITY LEAVE

The "Proposal for revision of the EU Council directive on the introduction of measures to encourage improvements in the safety and health at work of **pregnant workers and workers who have recently given birth or are breastfeeding** was voted upon in the EP on 20 October. The EP voted in favour of a maternity leave of 20 weeks, including leave on full pay. The text is now with the Council for negotiation between the Member States. Several positions and letters from the employers' perspective were sent to the EP to explain that such proposal was not feasible. Moreover, the introduction of paternity leave of two weeks into the directive was not welcomed by employers, especially since the previous year a revision

of parental leave had already been negotiated by the cross-industry social partners.

What employers fear most are the costs involved. Figures for countries as France, Germany and the UK demonstrated the impact on their governments' budgets. In the current political and economic climate, national governments would be reluctant to accept any new legislation that would significantly increase financial costs for employers in the public and private sectors, or put extra pressure on public budgets and social protection systems.

6.2. WORKING TIME DIRECTIVE

In March 2010 the Commission invited social partners to respond to the first-stage consultation on the **Working Time Directive**, asking whether action was needed at EU level and what scope it should take. This came after previous attempts to revisit the existing legislation reached an impasse in April 2009. The consultation paper mentioned that the Commission was planning a comprehensive review of the existing working time rules, starting with a thorough evaluation of the application of current provisions and issues, before considering the different options for addressing these issues.

In its answer to the Commission, Pearle* explained how the Working Time Directive was applied in the sector, to what extent collective bargaining played an important role, which issues raised questions in certain Member States, and how the sector had found ways of dealing with this directive. Pearle* underlined that Treaty basis of the directive was health and safety, and that other measures existed that were more appropriate for supporting the work-life balance than via changes in legislation.

Initially announced for publication in September, the second-stage consultation on the Working Time Directive was sent out to social partners just before Christmas. In this text the Commission raised some main questions: whether social partners wanted a limited review (dealing with the Rulings) or an extended review (covering several topical issues), and whether or not they wished to enter into negotiations (possibly at a sectoral level).

II. REPRESENTATION

In this new chapter of the annual activity report we highlight the representation activities of Pearle* in different structures, both formal and informal. They are presented in a thematic order, covering the following four main areas: social dialogue, culture, trade, intellectual property.

1. SOCIAL DIALOGUE

1.1. EUROPEAN SECTORAL SOCIAL DIALOGUE 'LIVE PERFORMANCE'

The 'live performance' sectoral social dialogue committee held four meetings in 2010: three working group meetings and one plenary meeting in October. There were three sub-group meetings on risk assessment, organised prior to the other meetings.

The employers side in the committee is represented by Pearle*, while the European Arts and Entertainment Alliance (EAEA), including musicians (FIM), actors (FIA) and technicians (Euro-Mei), represent the trade unions. Halfway through 2010 the social partners were informed of a staffing change at DG employment, where Beata Sasinowski was replaced by Stefaan Ceuppens, the official responsible for following the activities of the 'live performance' committee. Pearle* members would like to thank Ms. Sasinowski for the excellent cooperation with her over the previous two years.

Topics on the agenda covered:

- . **Strengthening the capacities of social partners in Southern Europe** (see project description below) including a report on 12 countries in Southern Europe, and a conference in Dubrovnik in February 2010;
- . **Risk assessment:** social partners expressed their interest in the interactive risk assessment tool developed by the European Agency for health and safety to respond to the needs of the sector;
- . **Training and skills:** following a number of exchanges with DG Employment on the concept of a sectoral skills council, in the framework of the Commission initiative 'new skills for new jobs', at the plenary meeting in October, social partners considered it would be useful to undertake a mapping exercise for the sector.
- . **2010 European Year for Combating Poverty and Social Exclusion:** towards the end of the year the social partners adopted a joint statement on the role of culture in the measures for combating poverty and social exclusion
- . **Mobility:** there were two presentations from the Commission, one on the Communication on free movement of workers and one on the recent developments regarding travel to the USA. Pearle* gave a short feedback on the

mobility seminar on visas and work permits (see below project PRACTICS);

- . **Impact of the economic crisis:** following feedback on the serious cuts in the public funding for the performing arts in the Netherlands, social partners decided to write a joint letter to the Dutch government, which was sent at the beginning of 2011.

The themes for the 2011 work programme were agreed by the end of the year, covering:

- . Strengthening capacities of social partners in Member States,
- . Risk assessment,
- . Training and skills,
- . Mobility of workers,
- . Impact of the economic crisis,
- . Following up EU initiatives.

1.2. LIAISON FORUM

DG Employment regularly organises meetings with invited representatives of European social partners on relevant themes of interest to the sectors for their activities in connection with the social dialogue committees. The DG Employment also invites social partners to present projects or report on specific activities or initiatives.

One issue that has been debated on several occasions, including at an Extraordinary Liaison Forum on 30 September, concerned the Commission's Staff Working Document on the review and functioning of the potential of European sectoral social dialogue (published in July 2010). According to the document, which assessed European sectoral social dialogue over the last 12 years, a direct correlation exists between the effectiveness of national social dialogue and that at European level, and that each energises the other. It highlights the need for sectoral social dialogue committees to face up to the need to adapt to new challenges and changes in policy.

Pearle* had responded to the consultation conducted in 2009 and had co-signed a statement from different several employers' federations in which it expressed its views on the social dialogue as such and also put forward suggestions to improve the role of the DG Employment and the support it gives to the committees.

1.3. **BUSINESSEUROPE - EUROPEAN EMPLOYERS NETWORK (EEN)**

Pearle* attends ad hoc meetings organised by the social department of Businesseurope, one of the three cross-industry employers' associations. The informal network to which employers of different sectors are invited is called the European Employers Network (EEN). As well as information on initiatives at cross-industry level, sectors are also able to share information on projects or activities in the framework of their social dialogue.

2. **CULTURE**

2.1. **CULTURAL PLATFORMS**

Since the moment in 2008 when DG Culture launched a call to European cultural associations, Pearle* has been a member of the two European cultural platforms "Access to Culture" and "Potential of the Culture and Creative industries".

In the "Access to Culture" platform, the three working groups met from time to time over the course of the year. They focused their activities on further research and the collection of best practices, examples, initiatives and projects in each of the domains working on:

- . cultural component of citizenship,
- . creativity of artists,
- . synergies between culture and education.

A plenary meeting was organised in June to discuss future directions for the platform's activities.

The activities for the platform on **culture and creative industries** focused mainly on external activities, such as the European Forum on creative industries in Barcelona at the end of March 2010. At this forum Richard Pulford, former Pearle* president, was invited to take the floor at the meeting's final plenary session to share views on "a sectoral look at the transverse challenges". The platform also submitted a contribution in response to the Green Paper on culture and creative industries. At the platform's June plenary meeting, it was decided to organise a number of thematic workshops in 2011. Pearle* was asked to lead a future workshop on 'Mobility and Circulation'.

2.2. **CULTURE ACTION EUROPE (CAE)**

Pearle* has been a member of this European cultural advocacy network since its creation. In 2010 CAE conducted a survey of its members to find out about their views on a wide range of topics with a view to finding a direction for the future campaign for supporting the arts at

European level. CAE and members of Pearle* exchanged views on what to feed into the process.

When CAE launched its "We Are More" campaign last October with its conference on the theme "The time is now", Pearle* took part in these events.

3. **TRADE**

In 2007, in an initiative endorsing the Unesco convention on cultural diversity, DG Trade developed a Culture Protocol to be added in an appendix to the Free Trade Agreements with third countries. Pearle* had actively contributed to this and had ensured that the text contained a sector-specific paragraph. Since then, Pearle* signed up as a civil society representative to take part in meetings organised by DG Trade. In 2010 Pearle* took part in different meetings where it was able to find out more about the state of play of negotiations in general and about the culture protocol.

4. **INTELLECTUAL PROPERTY**

Several trade associations, and also the consumers association in Europe, hold ad hoc informal meetings in the "Copyright Users Platform - CUP". They discuss matters of joint interest to copyright users. In this regard several organisations co-signed a statement and a letter on a future directive on collective rights management: see point I.4.

Within Pearle* a copyright committee meets about twice a year, usually during the general assembly meetings, to discuss issues of common interest.

III. EUROPEAN PROJECTS

1. INDUSTRIAL RELATIONS: "SOCIAL DIALOGUE IN THE PERFORMING ARTS SECTOR IN SOUTHERN EUROPE"

The European social partners EAEA and Pearle* have addressed the issue of social dialogue in the newer EU Member States through three projects that were carried out between 2003 and 2007 at both national and sub-regional levels. The impact of enlargement has been identified by the social partners as a key issue on the work programme to be discussed and developed as a recurring item.

However, none of these projects specifically addressed the Southern countries, including Malta and Cyprus, the two new EU Member States from the Mediterranean area. The main reason is basically that, until now, the social dialogue committee of the live performance sector has focused primarily on countries from central and eastern Europe whose characteristics and backgrounds are very different from those of the new Member States in the South.

The purpose of this project is to build or consolidate effective partnerships between workers' and employers' organisations from old and new Member States, also involving relevant ministries, in order to exchange best practice. It also aims to respond to the need for information and experience on how to set up and organise associations and how to further develop bilateral autonomous social dialogue.

The project included a report on the status of social dialogue in the live performance sector in the 12 target countries in Southern Europe. The study also included a general analysis and recommendations by the two researchers, one focusing on the employers' viewpoint and the other focusing on the views of trade unions.

A joint conference of social partners took place in Dubrovnik, Croatia, on 25-28 February 2010. The conference combined plenary meetings with thematic working groups. The conference concluded with a declaration with recommendations to the EU, to the Member States and to employers and trade unions.

2. MOBILITY PILOT PROJECT: 'SEE MOBILE SEE PRACTICAL' PRACTICS

PRACTICS is a three-year project (2008-2011) originally coordinated by the Finnish

Theatre Information Centre, whose coordinating role was taken over after last summer by the Fondazione Fitzcarraldo. Nine other cultural organisations from six EU countries are involved in the project.

The aim of this project is to facilitate the provision of information on EU cross-border mobility in the cultural sector. The project develops "EU Cultural Mobility Contact Points" (CMCPs) which are piloted in four EU-countries: Belgium, Spain, Wales (UK) and the Netherlands. Their task is to offer relevant and user-friendly information to foreign cultural workers who want to work in the country in which the CMCP is based and also to national cultural workers who want to work in another EU country. The partners piloting the CMCPs are Kunstenloket from Belgium (Flanders), SICA from the Netherlands, the Arts Council of Wales/Wales Arts International and Interarts from Spain.

The project partners in Finland and Italy also conducted research, including a mapping exercise to see how similar CMCP points could be set up in their respective countries.

On the basis of the concrete piloting and mapping cases, the project will identify key mobility stimulators and draw up recommendations for overcoming obstacles to mobility and for continuing the CMCP network in the future.

The European associations (AEC, ELIA, ECAS, IETM, PEARLE*) who are partners in the project are playing an important role in supporting the setting up of the CMCP network, particularly in the four piloting countries, and are contributing to the project actions with their own expertise.

Every year Pearle* has organised a thematic seminar: the first being in 2009 focusing on social security and taxation, the second in 2010 centred on visas and work permits, and the third, to be organised in 2011, dealing with touring and copyrights.

SEMINAR ON INCOMING AND OUTGOING MOBILITY: VISAS ON WORK PERMITS

Pearle* organised this seminar on 5 October in Brussels, attended by several representatives of the European Commission (DG Culture, DG Research, DG Home), the US Embassy in Brussels and also from the OMC group mobility. The seminar had two parts: the first focusing on incoming mobility and the second on travel

to other parts of the world. Both sessions started with a presentation of a concrete case study. Participants learned about the EU initiatives for facilitating the entry of third country nationals, recent developments and new proposals. They identified problems and challenges facing this highly mobile group, discussed the best practices in some EU Member States and exchange views on conditions in other parts of the world.

Preparation of the seminar included the drafting of a paper summarising the EU regulations relating to work permits and visas. A report of the seminar is also available.

3. POLIFONIA ERASMUS PROJECT

“Polifonia” is a project on higher music education. It started in 2004 and is studying various subjects related to professional music training in Europe. To build on the successful first cycle of “Polifonia”, a second three-year project cycle started in 2007 and came to an end in autumn 2010. The project was coordinated through the AEC, the European Association of Music Academies and Conservatoires. Partnership in “Polifonia” involves more than 60 organisations in professional music training and the music profession in 30 European countries. Pearle* was invited to become part of the external stakeholders group.

Objectives of the external stakeholders group include:

- . evaluation of the professional relevance of the work being done in “Polifonia”;
- . Promotion of dialogue between higher music education institutions and the music industry, to offer assistance to higher music education institutions in their current studies to establish professional standing for their study programmes;
- . discussion on ways of intensifying dialogue between education circles and the music industry, and to make it more beneficial to individual higher music education institutions (such as student placements and creative partnerships)

In the course of 2010, Pearle* confirmed its interest in continuing as a partner in the project for a third project cycle.

IV. PEARLE*: 2010 INTERNAL OPERATIONS

- 1 Office:** In 2010, Pearle* hosted three trainees from Belgium, France and Spain: Noémie Veys studying in Ghent, Anne Laure Cabriol from Metz University and Mar Bordanova from Barcelona. Bettine Gola joined Pearle* in the capacity of student. In April the employment contract with Julija Sproge as an EU affairs and legal adviser came to an end. In September a fixed-term contract was offered to Julie Van Elslande to work as a legal adviser on a part-time basis and a permanent contract was offered to Silke Lalvani as an EU policy adviser.
- 2 Executive Committee:** The Executive Committee (Excom) held four meetings in 2010. Two of them were held the day before each General Assembly (on 3 June in Luxembourg and on 18 November in Frankfurt). The two other meetings took place in Paris on 26 March and in Brussels on 5 October. Matti A. Holopainen from the Finnish Theatre Association stood down as President in June 2010 and gave up his place on the Executive Committee. As treasurer and sole candidate for Chairman, Sture Carlsson from the Swedish Performing Arts, was unanimously elected by the members as the new Chairman for one further year until the elections in spring 2011 for President and board members. As a result of Sture Carlsson's move, the members of the Executive Committee agreed that Géza Kovács should take over the responsibility of Treasurer of the association.
- 3 Communication:** In 2010 Pearle* decided to conduct a mapping exercise of its current member associations in order to find out more about their composition, organisation and structure, finances, services, activities, etc. This analysis included some useful data and statistics, making this study an information source for the members, enabling them to get to know each other better and to exchange practices on specific issues. A second in-house publication presented some research and compilation of EU regulations affecting the performing arts sector across the majority of EU policy areas. This inventory also includes a table of dates when legislation comes into force, when it has to be implemented in the Member States, and when reporting is due. It is an instrument to create awareness amongst the members of the multitude of areas where the EU influences the activities of live performance organisations and for them to use to inform their own members, governments and stakeholders in their respective countries. In the second half of 2010 Pearle* increased its reporting to members on EU policy through regular 'newsflashes' and 'updates'. In preparation of the General Assembly meetings, extensive conference readers are made available to the members.
- 4 Pearle* conferences:** The spring conference took place on 4 and 5 June in Luxembourg, hosted by the Luxembourg Federation of Professional Theatres. The autumn conference was organised on 19 and 20 November in Frankfurt, Germany and hosted by the Deutscher Bühnenverein, the German association of theatres and orchestras. The meeting minutes of every General Assembly are presented for approval by the members at the start of their following meeting. Each meeting also generates a number of action points to be followed up by the Pearle* office, executive board and members.
- 5 Membership:** In 2010, there were no new applications for membership. Representatives from Portugal, Italy, Poland and Germany attended meetings at the invitation of a member or of the Pearle* secretariat itself. Sadly the ITC, Independent Theatre Council from the UK, had to give up its membership in 2010 due to a major reduction in the association's budget that year.
- 6 Finances:** Over 85% of Pearle's resources come from the contributions of its members. The difference is made up almost completely by support received through the Flemish Government as an international network organisation. The subsidy received in 2010 was 25% less than in the previous year or in the first year of support. Income from projects and publications is offset to a certain extent by reimbursement of costs for travelling, organisation of meetings and printing costs.

FULL MEMBERS

AUSTRIA	Wiener Bühnenverein Association of Theatres in Vienna
	Theatererhalterverband Österreichischer Bundesländer und Städte Association of regional and city theaters in Austria
BELGIUM	Belgische Schouwspelvereniging - BSV/ Association Belge du Spectacle - ABS Association of performing arts in Belgium
	Overleg Kunstenorganisaties - oKo Platform for arts organisations in Flanders
BULGARIA	BAROK Bulgarian Association of employers in Culture
CZECH REPUBLIC	Asociace profesionálních divadel České republiky - APD ČR Association of the Professional theatres in the Czech Republic
	Asociace symfonických orchestrů a pěveckých sborů České republiky - ASOPS Association of the Czech Symphony Orchestras and Choirs
DENMARK	Danske Teatres Faellesorganisation Danish Association of Theatres
	LandsdelsOrkesterForeningen Association of Danish Regional Symphony Orchestras
ESTONIA	Eesti Etendusasutuste Liit - EETEAL Estonian Theatre Association
FINLAND	Suomen Teatterit ry / Finlands Teatrar rf Association of Finnish Theatres
	Suomen Sinfoniaorkesterit Association of Finnish Symphony Orchestras
FRANCE	Association française des Orchestres - AFO Association of French Orchestras
	Chambre Professionnelle des Directeurs d'Opéra - CPDO French Chambre of Opera house directors
	Syndicat National des producteurs, diffuseurs et salles de spectacle - PRODISS National employers' organisation of producers, distributors and theaters
	Syndicat Professionnel des Producteurs, Festivals, Ensembles, Diffuseurs Indépendants de Musique - PROFEDIM Association of professional producers, festivals, ensembles, independent distributors of music
	Syndicat des Directeurs de Théâtres Privés - SDTP Association of French private theatres
	Syndicat National des Entrepreneurs de Spectacles - SNES National association of producers and promoters in the live performance
	Syndicat National des Scènes Publiques - SNSP National employers' organisation of city theatre directors in France
	Syndicat National des Entreprises Artistiques et Culturelles - SYNDEAC National employers organisation of artistic and cultural enterprises in France
	Syndicat National des Orchestres et Théâtres Lyriques subventionnés de droit privé - SYNOLYR Association of French orchestras and lyric theatres

GERMANY	Deutscher Bühnenverein - Bundesverband der Theater und Orchester German Theatre and Orchestra Association
HUNGARY	Magyar Szimfonikus Zenekarok Szövetsége Association of Hungarian Orchestras
LUXEMBOURG	Théâtre Fédératioun Fédération Luxembourgoise des théâtres professionnels - FLTP Federation of professional theatres in Luxembourg
NETHERLANDS	Nederlandse Associatie Podiumkunsten - NAPK Association for the performing arts in the Netherlands Vereniging van Schouwburg- en Concertgebouwdirecties - VSCD Association of Dutch Venues and Concert halls Directors
NORWAY	Norsk Teater- og Orkesterforening - NTO Association of Norwegian Theatres and Orchestras
SLOVAKIA	Asociácia riaditeľ'ov profesioálnych orchestrov Slovenska Association of Slovak Professional Orchestra Directors
SPAIN	Federación Estatal de Asociaciones de Empresas Productoras de Teatro y Danza - FAETEDA State Federation of Associations of Theatre and Dance production enterprises Asociación Española de Orquestas Sinfónicas - AEOS Association of Spanish Symphony Orchestras
SWEDEN	Svensk Scenkonst Association of Swedish Theatres and Orchestras
SWITZERLAND	Schweizerischer Bühnenverband-SBV/Union des Théâtres Suisses-UTS/Unione dei Teatri Svizzeri Association of theatres in Switzerland Union des Théâtres Romands - UTR Association of 'Roman' theatres in Switzerland
UNITED KINGDOM	The Society of London Theatre - Theatrical Management Association - SOLT/TMA Association of British Orchestras - ABO Federation of Scottish Theatre - FST

ASSOCIATE MEMBERS

AUSTRALIA	Live Performance Australia
EUROPEAN NETWORKS	Opera Europa EFA - European Festivals Association ETC-CTE - European Theatre Convention REMA - EEMN European Early Music Network

COMPOSITION OF THE EXECUTIVE COMMITTEE UNTIL JUNE 2010

CHAIRMAN

MATTI A. HOLOPAINEN Suomen Teatterit ry / Finlands Teatrar rf, Finland

SECRETARY & EXECUTIVE OFFICER

LIESBETH DEJONGHE oKo - Overleg Kunstenorganisaties, Belgium

TREASURER

STURE CARLSSON Svensk Scenkonst, Sweden

MEMBERS

ROLF BOLWIN Deutscher Bühnenverein - Bundesverband der Theater und Orchester, Germany

CATHERINE BAUMANN Syndicat National des Orchestres et Théâtres Lyriques subventionnés de droit privé - SYNOLYR, France

GÉZA KOVÁCS Magyar Szimfonikus Zenekarok Szövetsége, Hungary

KATHLEEN LOPEZ KILCOYNE Federación Estatal de Asociaciones de Empresas Productoras de Teatro y Danza - FAETEDA, Spain

RICHARD PULFORD Society of London Theatre & Theatrical Management Association - SOLT/TMA, U.K.

COMPOSITION OF THE EXECUTIVE COMMITTEE FROM JUNE 2010

CHAIRMAN

STURE CARLSSON Svensk Scenkonst, Sweden

SECRETARY & EXECUTIVE OFFICER

LIESBETH DEJONGHE oKo - Overleg Kunstenorganisaties, Belgium

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RICHARD PULFORD Society of London Theatre & Theatrical Management Association - SOLT/TMA, U.K.

PEARLE * OFFICE

DIRECTOR

ANITA DEBAERE

EU AFFAIRS AND LEGAL ADVISER

JULIJA SPROGE until april 2010

EU POLICY ADVISER

SILKE LALVANI from September 2010

EU LEGAL ADVISER

JULIE VAN ELSLANDE September - December 2010

INTERNS

NOÉMIE VEYS February - May 2010

ANNE LAURE CABIROL March - June 2010

MAR BORDANOVA from september 2010

STUDENT

BETTINE GOLA August - December 2010

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